

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 24th day of
July, 2009.

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 APPROVING UNANIMOUS STIPULATION AND AGREEMENT

Issue Date: July 24, 2009

Effective Date: August 1, 2009

On April 2, 2009, Southwestern Bell Telephone Company, d/b/a AT&T Missouri filed an application requesting a waiver of Commission rule 4 CSR 240-32.050(4)(B), which requires the company to distribute a copy of its phone directory to each of its customers. AT&T Missouri proposed to continue to publish its white pages residential phone directory, but asked that it be required to distribute that directory only to those customers who affirmatively request a copy. AT&T Missouri asked the Commission to act on its requested waiver by August 1, 2009, so that the company would have time to adjust its paper purchases and printing requirements before beginning to print the next directory.

On April 3, the Commission ordered that notice of AT&T Missouri's filing be given to the public and to potentially interested parties. The Commission also established April 23 as the deadline for the filing of applications to intervene. Charter Fiberlink-Missouri, LLC filed a timely application and was allowed to intervene. Subsequently, the Communications

Workers of America, the union that represents some of AT&T Missouri's workers, filed a late application to intervene, which the Commission also granted.

On June 16, all of the parties joined in filing a unanimous stipulation and agreement regarding AT&T Missouri's request for waiver. Under the terms of the unanimous stipulation and agreement, AT&T Missouri requests a waiver that will apply only to the Kansas City, St. Louis, and Springfield metropolitan calling area (MCA) markets. AT&T Missouri will initially implement its new method of providing residential white page directories only in Kansas City and St. Louis, but it could subsequently expand that method to Springfield without seeking an additional waiver from the Commission.

Under the new distribution method, all AT&T customers will have a yellow page business directory delivered to their homes as before. The new yellow page directory will contain the business white pages, government listings, the customer guide information, and other information required under the Commission's rule that was previously included with the white page residential listings. An information sheet will be delivered along with the yellow page directory informing the customer that they will receive a white page residential customer directory only if they request that directory by calling a dedicated toll-free 800 number. The same information will be prominently displayed in the yellow pages directory. AT&T Missouri will mail the white page residential customer directory to any requesting customer free of charge.

In addition to allowing customers the opportunity to receive a free white pages directory if they want one, AT&T Missouri will also make residential listing information available to its customers through its directory website, www.RealPagesLive.com, as well as www.yellowpages.com.

Furthermore, AT&T Missouri agrees to provide a white page directory to CLEC customers residing in AT&T Missouri's service territory in the same manner it provides directories to its own customers. Charter Fiberlink – Missouri, one of the signatories to the stipulation and agreement, will inform its customers of the new method by which they can request a white page directory. The stipulation and agreement also asks the Commission to grant Charter Fiberlink – Missouri the same exemption from the regulation that it grants to AT&T Missouri.

After reviewing the stipulation and agreement, the Commission held an on-the-record presentation regarding the stipulation and agreement on July 8. At that presentation, the Commission questioned the parties about the details of their agreement. In addition, the Commission conducted local public hearings in Kansas City on July 6 and St. Louis on July 8 to receive comments from affected members of the public.

After carefully considering the unanimous stipulation and agreement, the Commission finds that the agreement is in the public interest and should be approved. Customers who want to receive a residential white page directory will still be able to receive a free directory by calling a toll-free number provided by AT&T Missouri. Customers who do not want such a directory will be relieved of the burden posed by the appearance of a massive directory on their front step. Most importantly, less paper pulp will be wasted in making unwanted directories and less land-fill space will be required to dispose of old directories.

The Commission will only partially waive its regulation requiring distribution of the residential white page directory so that AT&T Missouri and Charter Fiberlink – Missouri can implement a new means for delivering that directory to the customers who want to receive

that directory. The Commission will retain authority to deal with any customer complaints about how those companies implement those new distribution plans. If AT&T Missouri and Charter Fiberlink – Missouri fail to live up to their obligations, the Commission will not hesitate to revise or revoke the waivers it is granting in this order.

The Commission will address one other matter even though it is not explicitly an element of AT&T's request for waiver or the unanimous stipulation and agreement. A witness at the local public hearing in St. Louis extensively described the difficulty of recycling used phone books. Currently the Commission's regulations do not require phone companies to make an effort to encourage their customers to recycle their phone books. Perhaps they should. The Commission would like to have more information as it considers whether its regulations should be amended. Therefore, the Commission will order AT&T Missouri to file a report in this case briefly describing what efforts it currently makes, or will undertake in the future, to encourage and facilitate the recycling of old telephone directories.

THE COMMISSION ORDERS THAT:

1. The unanimous stipulation and agreement filed on June 16, 2009, is approved. A copy of the unanimous stipulation and agreement is attached to this order.
2. The signatory parties are ordered to comply with the terms of the unanimous stipulation and agreement.
3. Southwestern Bell Telephone Company, d/b/a AT&T Missouri is granted a limited waiver of Commission Rule 4 CSR 240-32.050(4)(B) as described in the approved unanimous stipulation and agreement.

4. Charter Fiberlink – Missouri, LLC is granted a limited waiver of Commission Rule 4 CSR 240-32.050(4)(B) as described in the approved unanimous stipulation and agreement.

5. Southwestern Bell Telephone Company, d/b/a AT&T Missouri shall file a report in this case no later than September 1, 2009, briefly describing its current and future efforts to encourage and facilitate the recycling of old telephone directories.

6. This order shall become effective on August 1, 2009.

BY THE COMMISSION

(S E A L)



Steven C. Reed
Secretary

Clayton, Chm., Davis, Jarrett,
and Gunn, CC., concur.

Woodruff, Deputy Chief Regulatory Law Judge