

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

In the Matter of New London Telephone)
Company's Tariff Filing to Add an) Case No. _____
Exception to its Intrastate Access Services)
Concurrence.)

**AT&T COMPANIES' MOTION TO SUSPEND
AND INVESTIGATE TARIFF**

AT&T Communications and AT&T Missouri (collectively, the "AT&T Companies"),¹ pursuant to 4 CSR 240-2.065(3) and 4 CSR 240.2-075(2), respectfully request the Missouri Public Service Commission ("Commission") to suspend and investigate a tariff filed by New London Telephone Company, a TDS Telecom Company ("the TDS Company") to introduce an exception to the TDS Company's intrastate access services concurrence.

Currently, the TDS Company concurs in the intrastate switched access tariff of Oregon Farmers Telephone Company.² With the proposed tariff revision, the TDS Company seeks to deviate from the Oregon Farmers' tariff by adding an exception that "will include jurisdictional report requirement provisions and will include language to establish a 10% floor for terminating access minutes when they lack originating number information needed to determine the jurisdiction."³

In concept, the AT&T Companies do not oppose the TDS Company's objective and have been working with the TDS Company on appropriate language. However, the parties' proposed tariff through which it seeks to accomplish this objective is vague, ambiguous and must be clarified before it is permitted to go into affect.

¹ AT&T Communications of the Southwest, Inc. will be referred to in this pleading as "AT&T Communications;" and Southwestern Bell Telephone Company, d/b/a AT&T Missouri, will be referred to in this pleading as "AT&T Missouri."

² New London Telephone Company Access Service Tariff Concurrence, P.S.C. Mo.-No. 6, Section 7, Original Sheet No. 5.04, Effective January 28, 1990.

³ See proposed tariff filing letter.

1. Background on Movants. AT&T Communications is a Delaware corporation, duly authorized to conduct business in Missouri with its principal Missouri office located at 2121 East 63rd Street, Kansas City, Missouri 64130. AT&T Communications is an “interexchange telecommunications company,” an “alternative local exchange telecommunications company,” and a “public utility,” and is duly authorized to provide “telecommunications service” within the State of Missouri as each of those phrases is defined in Section 386.020 RSMo (2006 C. Supp.).

2. AT&T Missouri is a Missouri corporation duly authorized to conduct business in Missouri with its principal Missouri office located at One AT&T Center, 35th Floor, St. Louis, Missouri 63101. AT&T Missouri is a “local exchange telecommunications company” and a “public utility,” and is duly authorized to provide “telecommunications service” within the State of Missouri as each of those phrases is defined in Section 386.020 RSMo (2006 C. Supp.).

3. All correspondence, pleadings, orders, decisions and communications regarding this proceeding should be sent to:

Jeffrey E. Lewis
Leo J. Bub
Robert J. Gryzmala
Attorneys for AT&T Communications of the Southwest, Inc.; and
Southwestern Bell Telephone Company, d/b/a AT&T Missouri
One AT&T Center, Room 3518
St. Louis, Missouri 63101

4. The TDS Company's Tariff Filing. On September 1, 2010, the TDS Company filed tariff sheets to add an exception to its Intrastate Access Service Concurrence, Missouri P.S.C. MO-No. 5, Original Sheets 2.1 - Original Sheet 2.4.⁴ The proposed tariff bears an October 1, 2010 effective date.

⁴ A copy of the TDS Company’s proposed tariff filing is appended as Attachment 1.

5. The concerns the TDS Company's proposed tariff revision raises include:

(a) Section 2.3.9.A(A)(1)(a), Jurisdictional Reporting, Switched Access, fails to identify the signaling parameters that will be used to discern the jurisdiction of terminating access traffic. The tariff should be revised to define the process that will be used to discern the jurisdiction of traffic.

(b) Section 2.3.9.A(A)(3), Quarterly Reports, does not define the data set that will be pulled for the application of the percentage of use factor. The AT&T Companies suggest clarification of this section to state ". . . percentage of use for a representative sample for the past three months for the period ending . . ." (language to be added underlined).

(c) Section 2.3.9.A(A)(5), Telephone Company Application of Jurisdictional Percentages, fails to define how the 10% floor will be determined. The tariff does not indicate whether it will be calculated at the state, LATA or end office level.

(d) Opportunity to contest the default application of intrastate switched access rates. In the event the TDS Company applies the higher intrastate terminating access rates on a default basis to calls that do not contain sufficient call detail as provided in the proposed tariff, the access customer should have the opportunity to request backup documentation regarding the basis for such application and should be given an opportunity to make a showing of why the intrastate rates should not be applied. The Commission should also impose a requirement that the TDS Company provide, upon request, monthly reports of customers' CPNI less volumes/percentages by LATA and state to the access customer to enable it to monitor CPNI less terminating access traffic.

6. The AT&T Companies' interests as telecommunications service providers differ from those of the general public. AT&T Communications pays the TDS Company both

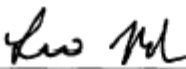
originating and terminating intrastate switched access rates on intrastate interexchange calls placed by their customers. AT&T Missouri pays the TDS Company intrastate terminating switched access rates to terminate intrastate interexchange calls placed by AT&T Missouri's customers and may be required to pay originating intrastate switched access under the proposed tariffs. The AT&T Companies have a significant financial interest in ensuring that the TDS Company's intrastate switched access rates are lawful and appropriate. No other party to this proceeding will adequately protect the AT&T Companies' interests.

7. Granting of this intervention will be in the public interest because the AT&T Companies will bring to this proceeding their experience as telecommunications providers and their expertise in analyzing tariffs, which should assist the Commission in its review of the TDS Company filing.

WHEREFORE the AT&T Companies respectfully request the Commission to suspend the TDS Company's proposed tariff filing for investigation.

Respectfully submitted,

AT&T COMMUNICATIONS OF THE SOUTHWEST
INC., and
SOUTHWESTERN BELL TELEPHONE COMPANY,
D/B/A AT&T MISSOURI

BY 

JEFFREY E. LEWIS #62389

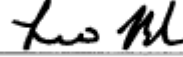
LEO J. BUB #34326

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CERTIFICATE OF SERVICE

Copies of this document were served on the following parties by e-mail on September 27, 2010.



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September 1, 2010

Secretary of the Commission
Missouri Public Service Commission
200 Madison Street, Suite 100
Jefferson City, Missouri 65102-0360

**RE: New London Telephone Company,
Access Tariff Concurrence Exception**

Dear Secretary:

Included in this submission are the following tariff pages for New London Telephone Company:

Section 7 Table of Contents - Second Revised Sheet 5
Section 7 Original Sheets 5.04.1 through 5.04.4

The purpose of this filing is to add an exception to the Company's Intrastate Access Services concurrence. The exception will include jurisdictional report requirement provisions and will include language to establish a 10% floor for terminating access minutes when they lack originating number information needed to determine the jurisdiction.

The proposed effective date for this filing is October 1, 2010.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Kris A. Groth", with a long horizontal flourish extending to the right.

Kris A. Groth
Administrator-Tariffs
kris.groth@tdstelecom.com
608.664.4186

Enclosures

GENERAL EXCHANGE TARIFF

P.S.C. MO. NO. 6
NEW LONDON TELEPHONE COMPANY
 Missouri

Section 7
 Second Revised Sheet 5
 Cancels First Revised Sheet 5

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ISSUED: September 1, 2010

EFFECTIVE: October 1, 2010

BY: Joel Dohmeier, Vice President

GENERAL EXCHANGE TARIFF

P.S.C. MO. NO. 6
NEW LONDON TELEPHONE COMPANY
Missouri

Section 7
Original Sheet 5.04.1

ACCESS SERVICES**D. Exceptions:**

1. Section 2.3.9.A Jurisdictional Reports – Switched Access. The Company's Jurisdictional Reporting terms and conditions for Switched Access Services are as follows:

(A) Jurisdictional Reporting - Switched Access

(1) General

The following regulations govern jurisdictional reporting by the customer and cases where the Telephone Company will develop jurisdictional percentages.

(a) Sufficient Call Detail Billing

When the Telephone Company receives sufficient call detail to determine the jurisdiction of the originating and terminating access minutes of use, the Telephone Company shall use that call detail to render bills for those minutes of use, and shall not apply the jurisdictional factor(s) to those minutes of use.

(b) Insufficient Call Detail Billing

When the Telephone Company receives insufficient call detail to determine the jurisdiction of the originating and terminating access minutes of use, the Telephone Company will apply the jurisdictional factor(s) provided by the customer or developed by the Telephone Company as set forth below, only to those minutes of use for which the Telephone Company does not have sufficient call detail. Such jurisdictional factor(s) will be used until the customer provides an update to its jurisdictional factor(s) as set forth below.

For all flat rated Switched Access Services, the Telephone Company will apply the jurisdictional factor(s) as provided by the customer or developed by the Telephone Company as set forth below, each month until the customer provides an update to its factor(s) as described below.

(2) Initial Order

When the customer submits an initial service order to the Telephone Company, the customer is required to provide the percentage of interstate and intrastate use for originating and/or terminating minutes for each service arranged for interstate and intrastate use.

If the Telephone Company receives usage for which no order for service has been received, the Telephone Company may develop the jurisdictional factors as needed.

ISSUED: September 1, 2010

EFFECTIVE: October 1, 2010

BY: Joel Dohmeier, Vice President

(N)

(N)

GENERAL EXCHANGE TARIFF

P.S.C. MO. NO. 6
NEW LONDON TELEPHONE COMPANY
Missouri

Section 7
Original Sheet 5.04.2

ACCESS SERVICES

D. Exceptions (continued):

(A) Jurisdictional Reports - Switched Access (continued)

(3) Quarterly Reports

Effective on the first of January, April, July, and October of each year, the customer shall update its interstate and intrastate jurisdictional report. The customer shall forward to the Telephone Company, to be received by the Telephone Company no later than fifteen days after the first of each such month, a revised report showing the interstate and intrastate percentage of use for the past three months ending the last day of December, March, June, and September, respectively, for each service arranged. Such revised report will serve as the basis for the next three months billing for determining the jurisdiction for Switched Access Services in cases where the Telephone Company does not have sufficient call detail to do so, and will be applied to the customer's usage on a prospective basis only. No prorating or back billing will be done based on the report.

For each service, the customer may only provide jurisdictional factors that are in a whole number format, i.e., a number from 0 to 100.

If the customer does not supply a quarterly report, the Telephone Company will assume the percentages to be the same as those provided in the last quarterly report received. In the instance the customer has failed to update the percentages after six months either as set by the previous quarterly report or a service order, the Telephone Company may develop a jurisdictional percentage based on either actual usage, or a weighted average using billed access minutes of all other customers' usage.

(4) Subsequent Orders

When the customer adds Busy Hour Minutes of Capacity (BHMC), lines or trunks to an existing end office group, the customer shall furnish revised projected interstate and intrastate percentages that apply to the total BHMC, lines or trunks. When the customer discontinues BHMC, lines or trunks from an existing group, the customer shall furnish revised projected interstate and intrastate percentages for the remaining BHMC, lines or trunks in the end office group. The revised report will serve as the basis for future billing, and will be applied to the customer's usage on a prospective basis only. No prorating or back billing will be done based on the report.

ISSUED: September 1, 2010

EFFECTIVE: October 1, 2010

BY: Joel Dohmeier, Vice President

(N)

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GENERAL EXCHANGE TARIFF

P.S.C. MO. NO. 6
NEW LONDON TELEPHONE COMPANY
Missouri

Section 7
Original Sheet 5.04.3

ACCESS SERVICES**D. Exceptions (continued):****(A) Jurisdictional Reports - Switched Access (continued)****(5) Telephone Company Application of Jurisdictional Percentages**

A floor of 10% will be set for a switched access customer's terminating minutes when they are lacking originating number information needed to determine jurisdiction. The 10% floor will be applied as follows:

- When the percentage of terminating traffic without sufficient call detail to determine jurisdiction does not exceed 10% floor, the Telephone Company will apply the jurisdictional percentages to all of the traffic that does not have sufficient jurisdictional call detail.
- When the percentage of terminating traffic without sufficient call detail to determine jurisdiction exceeds the 10% floor, the Telephone Company will apply the jurisdictional percentages to 10% of the traffic and assess intrastate jurisdiction on all minutes exceeding the 10% floor.

(B) Disputes Involving Jurisdictional Reports

For Switched Access, if a jurisdictional dispute arises concerning the projected interstate or intrastate percentages, the Telephone Company will notify the customer to provide the data the customer used to determine the projected interstate or intrastate percentages. The Telephone Company will not request such data more than once a year provided that the customer complies with the initial request. The customer shall supply the data within thirty (30) days of the request.

If the customer fails to provide the requested data to the Telephone Company within thirty (30) days of the receipt of the notice, the customer will be in violation of the Tariff and subject to the provisions specified in 2.4.1(2)(b). In such event, the Telephone Company may develop percentages for originating and terminating usage based on either actual usage, or a weighted average using billed access minutes of all other customers' usage. This factor will be applied to the customer's usage on a prospective basis only and will be utilized until the customer provides supporting data that substantiates the requested percentages.

If the Telephone Company finds that the data submitted by the customer does not adequately support the reported percentages, the Telephone Company may develop percentages for originating and terminating usage based on either actual usage, or a weighted average using billed access minutes of all other customers' usage. Upon assigning an intrastate percentage of use, the Telephone Company will notify the customer of the change and when it will go into effect. The Telephone Company's designated methodology used to develop the jurisdictional percentage will remain in effect for twelve (12) months.

ISSUED: September 1, 2010

EFFECTIVE: October 1, 2010

BY: Joel Dohmeier, Vice President

(N)

(N)

GENERAL EXCHANGE TARIFF

P.S.C. MO. NO. 6
NEW LONDON TELEPHONE COMPANY
Missouri

Section 7
Original Sheet 5.04.4

ACCESS SERVICES**D. Exceptions (continued):**

(N)

(B) Disputes Involving Jurisdictional Reports (continued)

If the Telephone Company and the customer cannot informally resolve the dispute, the customer may contest the designated intrastate percentage by requesting an audit be conducted by a mutually agreed upon independent auditor.

- (1) The cost of an independent audit will be borne by the customer.
- (2) During the audit, if the customer fails to provide the requested data to the auditor within thirty (30) days of the receipt of the notice, the customer will be in violation of the Tariff and subject to the provisions specified in 2.4.1(2)(b).
- (3) The audit results will be furnished to both the customer and Telephone Company.
- (4) The Telephone Company will adjust the customer's jurisdictional percentage based upon the audit results. The jurisdictional percentage resulting from the audit shall be applied to the customer's usage on a prospective basis only and will remain in effect for the two (2) quarters following the completion of the audit. After that time, the customer may report revised jurisdictional percentage pursuant to (C.3) above.

The Telephone Company may also request an independent audit to resolve a jurisdictional dispute. If, as a result of the audit conducted by an independent auditor, a customer is found to have over-stated its jurisdictional percentage by 5 percentage points or more, the Telephone Company shall require reimbursement from the customer for the cost of the audit. Such bill(s) shall be due and paid in immediately available funds within 30 days from receipt, and shall carry a late payment penalty as set forth in Section 2.4.1(2)(a), if not paid within the 30 days. The jurisdictional percentage resulting from the audit shall be applied to the usage for the quarter the audit was completed, the usage for the quarter prior to the completion of the audit, and to the usage for the two quarters following the completion of the audit. After that time, the customer may report revised jurisdictional percentage pursuant to (A.3) above.

(N)

ISSUED: September 1, 2010

EFFECTIVE: October 1, 2010

BY: Joel Dohmeier, Vice President