

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

In the Matter of Southwestern Bell)	
Telephone Company, d/b/a SBC)	
Missouri's Proposed Revised Tariff Sheet)	
Intended to Increase by Eight Percent the)	Case No. IT-2004-0015
Rates for Line Status Verification and)	Tariff No. JI-2003-2141
Busy Line Interrupt as Authorized by)	
Section 392.245, RSMo, the Price Cap)	
Statute)	

NOTICE OF REMAND AND MOTION TO CLOSE CASE

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

1. The Commission's Report and Order rejected a proposed tariff sheet filed by Southwestern Bell Telephone Company d/b/a SBC Missouri intended to increase the rates by 8% and 7.8%, respectively, for two nonbasic telecommunications services: Line Status Verification and Busy Line Interrupt.
2. SBC Missouri sought judicial review. The Circuit Court's Judgment in Case No. 03CV326406 affirmed the Commission's order.
3. SBC Missouri appealed to the Court of Appeals. The Western District's Opinion in Case No. WD64502 reversed the Commission's order. The Western District held that the Commission was not authorized to conduct a just-and-reasonable analysis of the rate increases.
4. On November 1, 2005, the Missouri Supreme Court entered an order in Case No. SC87110 denying the Office of the Public Counsel's application to transfer.
5. On November 3, 2005, the Court of Appeals entered the following order in Case No. WD645802:

Now on this day the judgment is reversed, and the cause is remanded to the Commission with directions to approve SBC'S proposed tariff revisions all in accordance with the Opinion of this Court.

6. The Staff notes, however, that Senate Bill No. 237, recently amended Section 392.245.11 RSMo to reduce the maximum allowable annual increase for a price cap regulated company's nonbasic telecommunications services from eight percent to five percent. The Staff suggests that it is now up to SBC Missouri to submit a new tariff filing which complies with Section 392.245.11, as amended, if SBC still proposes to increase the rates for these two services. Such a tariff submission by SBC Missouri need not be filed in this case.

WHEREFORE, the Staff requests the Commission to close this case.

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 7th day of November 2005.

/s/ William K. Haas