

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

In the Matter of Metropolitan)	
Telecommunications of Missouri, Inc.'s)	
Tariff Filing to Revise its Intrastate)	Case No. _____
Switched Access Services Tariff, P.S.C)	Tariff No. JC-2011-0481
Mo. No. 4.)	

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

The AT&T Companies¹ respectfully request the Missouri Public Service Commission to suspend and investigate² a tariff filed by Metropolitan Telecommunications of Missouri, Inc. to revise its Intrastate Switched Access Services Tariff, P.S.C. Mo. No. 4 because it improperly seeks to impose access charges on intraMTA wireless traffic.

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 909 Chestnut Street, 35th Floor, St. Louis, Missouri 63101. AT&T Missouri is a “local exchange telecommunications company” and a

¹ AT&T Communications of the Southwest, Inc. will be referred to in this pleading as “AT&T Communications;” Southwestern Bell Telephone Company, d/b/a AT&T Missouri will be referred to in this pleadings as "AT&T Missouri;" and New Cingular Wireless PCS, LLC, and its commercial mobile radio service affiliates in the State of Missouri will be referred to in this pleading as "AT&T Mobility" (collectively the "AT&T Companies").

² The AT&T Companies make this filing pursuant to 4 CSR 240-2.065(3) and 4 CSR 240-2.075(2).

“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. AT&T Mobility is a Commercial Mobile Radio Service (“CMRS”) provider, licensed by the Federal Communications Commission (“FCC”) to provide wireless service in Missouri. AT&T Mobility's principle place of business is 1025 Lenox Park Boulevard NE, Atlanta, Georgia 30319.

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

Jeffrey E. Lewis
Leo J. Bub
Robert J. Gryzmala
909 Chestnut Street, Room 3518
St. Louis, Missouri 63101

5. Metropolitan Telecommunications' Tariff Filing - On March 25, 2011, Metropolitan Telecommunications filed tariff sheets to revise its Intrastate Switched Access Service Tariff, P.S.C. Mo. No. 4.³

6. In Section 8.1.9 of its proposed tariff revision, Metropolitan Telecommunications seeks to introduce, as a new service, a "wireless termination service" with a proposed rate for the "termination of intraMTA traffic (per MOU)" that is identical to its proposed blended carrier switched access rate in Section 5.4 of its tariff.

7. The Commission should reject this rate as unlawful. Under controlling FCC orders, switched access rates are not permitted to be applied to the termination of intraMTA wireless traffic. In its Local Competition Order, the FCC ruled: ". . . traffic to or from a CMRS network that originates and terminates within the same MTA is subject to transport and

³ A copy of the relevant pages from Metropolitan Communications' proposed tariff filing are appended as Attachment 1.

termination rates under Section 251(b)(5) rather than intrastate access charges."⁴ Applying this FCC requirement, the Missouri Supreme Court has previously upheld the Commission's disallowance of tariffs seeking to impose intrastate access charges on intraLATA wireless traffic.⁵ The Commission should similarly reject Metropolitan Telecommunications' proposed tariff.

8. The AT&T Companies' interests as telecommunications service providers differ from those of the general public. AT&T Communications pays Metropolitan Telecommunications both originating and terminating intrastate switched access rates on intrastate interexchange calls placed by their customers. AT&T Missouri pays Metropolitan Telecommunications terminating switched access rates to terminate intrastate interexchange calls placed by AT&T Missouri's customers. And Metropolitan Telecommunications' revised tariff requiring the payment of switched access charges on intraMTA wireless traffic would purportedly apply to AT&T Mobility. The AT&T Companies have a significant financial interest in ensuring that Metropolitan Telecommunications' intrastate switched access rates are lawful and appropriate. No other party to this proceeding will adequately protect the AT&T Companies' interests.

9. 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 Metropolitan Telecommunications' filing.

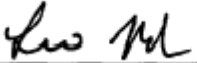
⁴ Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket Nos. 96-98 and 95-185, First Report and Order, 11 FCC Rcd 15499, para. 1036 (released August 8, 1996). See also, 47 CFR §20.11(d) ("Local exchange carriers may not impose compensation obligations for traffic not subject to access charges upon commercial mobile radio service providers pursuant to tariffs.")

⁵ State ex rel. Alma Telephone Company, et al v. Public Serv. Comm., 183 S.W.3d 575, 578 (Mo. banc 2006).

WHEREFORE the AT&T Companies respectfully request the Commission to suspend
Metropolitan Telecommunications' proposed tariff filing for investigation.

Respectfully submitted,

AT&T COMMUNICATIONS SOUTHWEST, INC.;
SOUTHWESTERN BELL TELEPHONE COMPANY,
D/B/A AT&T MISSOURI; AND AT&T MOBILITY

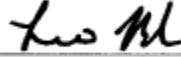
BY 

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CERTIFICATE OF SERVICE

Copies of this document were served on the following parties by e-mail and U.S. Mail on April 19, 2011.



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SECTION 5 - SWITCHED ACCESS RATES, (Cont'd.)**5.4 Rates and Charges****5.4.1 Blended Carrier Switched Access**

The Blended Carrier Switched Access rate includes Carrier Common Line, Switching and Transport.

AT&T Service Area – OCN 5213

	<u>Per Minute Rate</u>	(T)
Originating	\$ 0.027489	(I)
Terminating	\$ 0.027489	(I)

(D)
(D)

Issued: March 25, 2011

Effective: April 25, 2011

David Aronow, President
55 Water Street, Floor 31
New York, New York 10041

SECTION 8 - MISCELLANEOUS SERVICES, (CONT'D.)

8.1 Wireless Termination Service, (cont'd.)

8.1.9 Rates and Charges

Rates for termination of IntraMTA Traffic (per MOU):

AT&T Service Area – OCN 5213
\$ 0.027489

(T)
(I)