

**STATE OF MISSOURI  
MISSOURI PUBLIC SERVICE COMMISSION**

<b>In the matter of:</b>	)	
	)	
<b>NEXUS COMMUNICATIONS, INC.</b>	)	
	)	
<b>Complainant,</b>	)	
<b>v.</b>	)	<b>DOCKET NO. TC-2011-0132</b>
	)	
<b>SOUTHWESTERN BELL TELEPHONE CO.</b>	)	
<b>D/B/A AT&amp;T MISSOURI</b>	)	
	)	
<b>Respondent.</b>	)	

**NOTICE OF FILING OF DIRECT TESTIMONY OF MARK DEEK  
ON BEHALF OF NEXUS COMMUNICATIONS, INC.**

Please take notice, the direct testimony of Mr. Mark Deek (copy attached) is hereby filed with the Missouri Public Service Commission on behalf of Nexus Communications, Inc.

Respectfully submitted,

          s/ Chris Malish            
Christopher Malish (Texas Bar No. 00791164)  
Admitted *pro hac vice* in Missouri

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*Attorneys for Complainant*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the above instrument was transmitted to Counsel for Respondent at the below address via electronic mail and U.S. First Class Mail on July 1, 2011.

Robert Gryzmala  
One AT&T Center, Room 3516  
St. Louis, Missouri 63101  
(314) 235-6060  
(314) 247-0014 - facsimile  
robert.gryzmala@att.com

s/ Chris Malish  
Christopher Malish

**STATE OF MISSOURI  
MISSOURI PUBLIC SERVICE COMMISSION**

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<b>NEXUS COMMUNICATIONS, INC.</b>	)	
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<b>v.</b>	)	<b>DOCKET NO. TC-2011-0132</b>
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<b>SOUTHWESTERN BELL TELEPHONE CO.</b>	)	
<b>D/B/A AT&amp;T MISSOURI</b>	)	
	)	
<b>Respondent.</b>	)	

**DIRECT TESTIMONY OF MARK DEEK  
ON BEHALF OF NEXUS COMMUNICATIONS, INC.**

**I. Introduction and Background**

**Q. Please state your name, business address, and occupation.**

**A.** My name is Mark Deek. I am the manager of day to day technical operations of Nexus Communications Inc., including provisioning and billing, so this dispute centering around the billing and crediting of promotions was handled under my supervision. My business address at Nexus is 3629 Cleveland Avenue, Suite C, Columbus, Ohio, 43224.

**Q. Please briefly describe the dispute and promotions at issue**

**A.** The parties' dispute arises under their interconnection agreement and centers on

1 promotional credits which are due Nexus from AT&T as a result of Nexus reselling  
2 AT&T telecommunication services subject to AT&T “cash back” promotions offered at  
3 retail.

4  
5 Over the past months and years, AT&T has sold its retail services at a discount to its end  
6 users under various promotions that have lasted more than 90 days. Nexus is entitled to  
7 purchase and resell those same services at the promotional rate, less the costs avoided by  
8 AT&T’s providing the services at wholesale, rather than retail.<sup>1</sup>

9  
10 Of concern in this particular case are “cash back” promotions AT&T has provided to  
11 retail end users going back to August 2008. The two promotions figuring in this dispute  
12 are known generically as the “Movers” promotion and the “Competitive Acquisition”

---

<sup>1</sup> In addition to federal law, the parties’ interconnection agreement (Appendix Resale/SBC Missouri at 302) provides a method for calculating the wholesale price for services subject to promotions in effect for 90 or more days: in such circumstances the wholesale price should be the promotional price further reduced by the wholesale discount.

3.5.2 This section applies only to . . . [AT&T in Missouri]:

3.5.2.1 Promotions of eighty-nine (89) days or less are not available to CLEC for resale.

3.5.2.2 Promotions of ninety (90) days or more are available to CLEC for resale at the applicable wholesale discount, state specific.

Compare how AT&T treats the same promotions in Texas:

[r]esale services offered by [AT&T] through promotions will be available to CLEC on terms and conditions no less favorable than those [AT&T] makes available to its End Users, provided that promotions of 90 days or less, [AT&T] will offer the services to CLEC for resale at the promotional rate without a wholesale discount. For promotions of more than 90 days, [AT&T] will make the services available at the avoided cost discount from the promotional rate.

*See* Public Utility Commission of Texas, Docket No. 29468, effective March 17, 2004; Docket No. 31778, effective September 28, 2005; and Docket No. 35754, approved June 28, 2008; Interconnection Agreement, Attachment 1: Resale, Section 3.2, at 3.

These excerpts show that services subject to promotions lasting 90 or more days should be resold at an amount less than the promotional price.

1 promotion (for some reason also known as the “Win-back” promotion). For reasons  
2 unknown to Nexus, AT&T referred to these promotions by slightly different names in  
3 different sources (*e.g.*, marketing materials CLEC accessible letters, and tariff sheets)  
4 over time, although the eligibility criteria and ordering codes for these promotions  
5 remained largely the same. Presumably the differences stem from the fact that these  
6 materials are marketing materials rather than legal documents, and because the tariffs are  
7 directed towards AT&T’s customers and the Commission, while the audience for the  
8 accessible letters is the CLEC community. In any event, the differences are considered  
9 non-substantive.

10  
11 Thus, for example, in Missouri, the Movers promotion and the Competitive Acquisition  
12 promotion are both included in AT&T’s tariff sheet titled “Acquisition Complete  
13 Choice<sup>®</sup> Package Promotion.”<sup>2</sup> However, the Movers promotion is alternatively referred  
14 to by AT&T as the “Movers Cash Back Promotion” and the “Movers Rewards

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<sup>2</sup> For example, the tariff sheet for the Movers promotion and Competitive Acquisition promotion describes the promotion terms as shown below. The CLEC accessible letters, although distinct in their promotion, generally track the same requirements.

ACQUISITION COMPLETE CHOICE<sup>®</sup> PACKAGE PROMOTION

The promotion is available from October 1, 2009 through March 20, 2010. Eligible customers are residential customers who have at least one local exchange access line or a substitute (*e.g.* a wireless line or VoIP service) with a carrier other than the Company at a service location that can be served by the Company. New customers moving from an AT&T local service area in a state and location where AT&T provides local exchange access service as an incumbent local exchange carrier are also eligible. Employees of the Company and its affiliates are not eligible.

During the promotion period, eligible customers who establish local service with the Company and purchase Complete Choice<sup>®</sup> Basic, Complete Choice<sup>®</sup> Enhanced, or a package containing the same features will receive a coupon redeemable for a \$50.00 rewards card. The customer must redeem the coupon within 30 days of receipt.

All nonrecurring feature or package installation charges associated with adding the features or a package that contains the required features to the customer's account will be waived. Customers must retain the Caller ID and Call Waiting for a minimum of 30 days.

1 Promotion” in its accessible letters. Regardless, the ordering code associated with the  
2 Movers promotion is always “SW-100” and the criteria likewise remain largely  
3 unchanged, irrespective of how the title may have been altered from time to time. A form  
4 of the Movers promotion was offered from February 15, 2008, to November 1, 2010. A  
5 copy of the AT&T tariff sheet and accessible letters setting out the terms of this  
6 promotion are attached as Exhibit A.

7  
8 The Competitive Acquisition promotion is alternatively referred to as the “New Win-  
9 back Cash Back Promotion-SW” and “Win-back Cash Back Promotion-SW” in AT&T’s  
10 accessible letters. Either way, the ordering code associated with the Competitive  
11 Acquisition promotion is always “SW-121” and the criteria likewise remain largely  
12 unchanged, regardless of how the title may have been altered from time to time. A form  
13 of the Competitive Acquisition promotion was offered from September 29, 2008, to  
14 March 20, 2010. Copies of the accessible letters setting out the terms of this promotion  
15 are attached as Exhibit B.

16  
17 **Q. So what’s the nature of the dispute?**

18  
19 **A.** The dispute is over *what amount* Nexus is entitled to in situations where it is agreed that  
20 Nexus is entitled to promotional pricing. This case involves only situations in which  
21 Nexus met the same qualifications as AT&T’s retail end users and applied for these  
22 promotional credits. AT&T did not dispute that Nexus was entitled to the promotions at  
23 issue; in fact, AT&T approved Nexus’ applications for promotional credit in principle.

1 The problem is that AT&T has extended Nexus only a fraction of the promotional credit  
2 due for each request Nexus filed, rather than the full face value of the promotion as it  
3 should under federal law. This has resulted in Nexus being charged MORE than AT&T's  
4 retail customers for services subject to special promotional pricing.

5  
6 **Q. Is there something wrong with Nexus being charged MORE than AT&T's retail**  
7 **customers for services subject to special promotional pricing?**

8  
9 A. Yes. Obviously, it defeats the purpose of requiring AT&T to sell its services to CLECs at  
10 a wholesale rate if AT&T is able to manipulate things such that the wholesale rate is  
11 HIGHER than the retail. Mr. Gillan explains this at greater length. But competing with  
12 AT&T is like wrestling with an 800-pound gorilla even when AT&T follows the rules.  
13 Forcing Nexus and other CLECs to pay more than AT&T's retail customers for service  
14 that Nexus will resell makes competing with AT&T even harder.

15  
16 **Q. Can you explain how it happens that AT&T charges Nexus more at wholesale than**  
17 **it charges its own customers at retail?**

18  
19 A. When AT&T has one of these cash back promotions on, the cash back promotion  
20 effectively lowers the net price the customer pays for the service during that first month  
21 to which the promotion applies. We think of it as the first month, because a customer  
22 need only be a customer for one month in order to get the cash back.

1 For reasons of its own, AT&T has created these promotions in amounts that exceed the  
2 standard retail price. That means that the net, or effective, retail price that the customer  
3 pays during the month to which the promotion applies is *negative*. For example, if the  
4 standard price was \$30, but it is subject to a special \$50 cash back promotion, the net  
5 amount paid by the customer is -\$20.

6  
7 Resellers are supposed to be able to get the same services that retail customers get at the  
8 retail price less AT&T's avoided costs. This means that the wholesale price should be  
9 less than the retail price. Nexus believes that avoided cost associated with the service is  
10 best based on the standard rate for the service (as it is in all months in which and for all  
11 customers to which the promotion does not apply), and that as a consequence Nexus  
12 should (1) pay the standard retail price of service less the percentage discount estimate of  
13 avoided costs; and (2) get the full benefit of the \$50 cash back amount of the promotion.  
14 Assuming a standard retail price of \$30, and a round 20% discount factor, Nexus' price at  
15 wholesale should be -\$24, or \$4 less than the retail customer pays.

16  
17 In contrast, AT&T *reduces* the \$50 cash back amount it allows resellers like Nexus to  
18 take by the retail discount percentage. This means that, ultimately, Nexus gets a smaller  
19 reduction in price than a retail customer gets in months when cash back promotions are in  
20 play: assuming a standard retail price of \$30, and a round 20% discount factor, AT&T  
21 applies the 20% discount factor to the standard retail price *and a second time to the cash*  
22 *back/credit amount*. This results in a wholesale price of -\$16, or \$4 MORE than what  
23 AT&T's retail customers pay for the service. So, the net result of applying AT&T's



method is that Nexus pays more than the retail customer for the same service. Mr. Gillan can explain all this better than I can, however.

**Q. As a practical matter, how does Nexus dispute this situation?**

A. For situations in which Nexus is entitled to a cash back promotion, it submits a request for that promotion. When AT&T acknowledges Nexus' right to promotional offers, but does not provide a credit equal to the full amount of the cash back promotion benefit, Nexus disputes the difference. To date, AT&T owes Nexus at least \$150,086.40 in past due underpaid promotional credits.

Table 1, below, provides a summary of the promotional credit requests filed by Nexus in Missouri.

<b>Table 1. Summary of "Cash Back" Promotional Credit Requests Filed, Full Face Retail Value, Discounted Amount Received, and Amount Underpaid.</b>				
<b>"Cash Back" Promotion (type and amount)</b>	<b>Number of Requests Filed (08/08 to 11/10)</b>	<b>Retail Amount<sup>1</sup> (\$50.00 each)</b>	<b>Amount Received<sup>2</sup> (\$40.40 each)</b>	<b>Amount Underpaid<sup>3</sup> (\$9.60 each)</b>
Movers \$50 Cash Back	13,255	\$662,750.00	\$535,502.00	\$127,248.00
Competitive Acquisition/Win-back \$50 Cash Back	2,379	\$118,950.00	\$96,111.60	\$22,838.40
<b>TOTAL</b>	<b>15,634</b>	<b>\$781,700.00</b>	<b>\$631,613.60</b>	<b>\$150,086.40</b>

1. The full face retail value for either cash back promotion is \$50.00.
2. AT&T did not provide Nexus with the full face value for either cash back promotion as it does its own retail customers; rather, AT&T provided Nexus with an improperly reduced amount where by AT&T discounted the cash back promotion by the wholesale discount percentage. (\$50.00 less 19.2% = \$40.40).
3. Nexus seeks the difference between the full face value of the promotions, as AT&T should have provided (and what AT&T gives its own retail customers), and what AT&T improperly discounted and underpaid Nexus.

1 Exhibit C, attached, provides detailed information regarding the promotional credits at  
2 issue. It shows the promotion category, billing date, number of Nexus lines requesting  
3 the promotion, full retail amount of the promotion, discounted promotional amount  
4 Nexus received from AT&T, and the amount which AT&T owes Nexus.

5  
6 Exhibit D, also attached, provides 28 spreadsheets containing the raw data detailing the  
7 15,634 promotional credit requests submitted via AT&T's web portal system for the  
8 underpaid promotional credits at issue in this dispute. These are copies of information or  
9 records kept by Nexus and submitted to AT&T in the ordinary course of business, all  
10 under my supervision. Again, please note these are for orders in which AT&T has  
11 *already approved* each and every one of the promotional credit requests, but only  
12 disputes the amount due qualifying reseller orders under the promotions at issue.

13  
14 **Q. Does this conclude your direct testimony?**

15  
16 **A.** Yes, for now. But I reserve the right to make changes or corrections as necessary.

## **EXHIBIT A**

**P.S.C. Mo. - No. 24  
LOCAL EXCHANGE TARIFF**

Southwestern Bell Telephone  
Company d/b/a AT&T Missouri

APPENDIX  
2nd Revised Sheet 83  
Replacing 1st Revised Sheet 83

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**ACQUISITION COMPLETE CHOICE® PACKAGE PROMOTION**

The promotion is available from October 1, 2009 through March 20, 2010. Eligible customers are residential customers who have at least one local exchange access line or a substitute (e.g. a wireless line or VoIP service) with a carrier other than the Company at a service location that can be served by the Company. New customers moving from an AT&T local service area in a state and location where AT&T provides local exchange access service as an incumbent local exchange carrier are also eligible. Employees of the Company and its affiliates are not eligible. (CT)

During the promotion period, eligible customers who establish local service with the Company and purchase Complete Choice® Basic, Complete Choice® Enhanced, or a package containing the same features will receive a coupon redeemable for a \$50.00 rewards card. The customer must redeem the coupon within 30 days of receipt. (CT)

All nonrecurring feature or package installation charges associated with adding the features or a package that contains the required features to the customer's account will be waived. Customers must retain the Caller ID and Call Waiting for a minimum of 30 days.



Date: **December 31, 2007**

Number: **CLEC07-374**

Effective Date: **February 15, 2008**

Category: **Resale**

Subject: **(ORDERING AND PROVISIONING) Movers Cash Back Promotion (9278; SW-100)  
AR KS MO OK TX**

Related Letters:

Attachment: **NA**

States Impacted: **Arkansas, Kansas, Missouri, Oklahoma and Texas**

Issuing AT&T ILECS: **AT&T Arkansas, AT&T Kansas, AT&T Missouri, AT&T Oklahoma and AT&T Texas (collectively referred to for purposes of this Accessible Letter as "AT&T Southwest Region")**

Response Deadline: **NA**

Contact: **Account Manager**

Conference Call/Meeting: **NA**

AT&T Southwest Region is sending notice of intent to file tariff revisions to introduce the Movers Cash Back Promotion. The effective date is February 15, 2008.

The following are the details of this offer:

- Existing end users who are moving and transfer existing service to a new service address qualify for this offer.
- New end users who are moving and purchase new local service at a new service address qualify for this offer.
- The customer must also have or newly subscribe to Caller-ID and Call Waiting at the new location to qualify.
- Qualifying customers will receive a \$50 bill credit.
- Can not be combined with any other regulated promotions; May be combined with the online Installation charge waiver offer.
- Any rates referenced below are Retail rates and the applicable Resale discount will be applied.

The table below summarizes the products and USOCs included in this promotion.

State	Effective Date	End Date	Retention Period	Product Name	Product's USOC/FID	Benefit to be Provided
MO	02/15/08	01/31/09	One month	Access Line with Caller-ID and Call Waiting	NNK or NSD, or NMP and ESX	\$50.00
OK	02/15/08	01/31/09	One month	Access Line with Caller-ID and Call Waiting	NNK or NSD, or NMP and ESX	\$50.00
KS	02/15/08	01/31/09	One month	Access Line with Caller-ID and Call	NNK or NSD, or NMP and	\$50.00

				Waiting	ESX	
AK	02/15/08	01/31/09	One month	Access Line with Caller- ID and Call Waiting	NNK or NSD, or NMP and ESX	\$50.00
TX	02/15/08	01/31/09	One month	Access Line with Caller- ID and Call Waiting	NNK or NSD, or NMP and ESX	\$50.00

AT&T Southwest Region reserves the right to make any modifications to or to cancel the above information prior to the proposed filing or effective dates. Should any modifications be made to the information, these modifications will be reflected in a subsequent letter sent at the time of the filing. Should the information be canceled, AT&T Southwest Region will send additional notification at the time of cancellation. AT&T Southwest Region will incur no liability to the CLECs if such information, mentioned above, is canceled by AT&T Southwest Region or is not ultimately approved by the commission.

A copy of AT&T Texas' filing with the Public Utility Commission of Texas and any accompanying tariff sheets (if applicable) can be viewed on the Internet at the following website, typically on the effective date of the changes.

[http://www.att.com/search/tariffs.jsp?category=TEXAS/TELCO/FILING\\_LOG](http://www.att.com/search/tariffs.jsp?category=TEXAS/TELCO/FILING_LOG)



Date: **February 13, 2008** Number: **CLEC08-028**  
Effective Date: **February 15, 2008** Category: **Resale**  
Subject: **(ORDERING AND PROVISIONING) Revisions to Movers Cash Back Promotion (9278; SW-100) AR KS MO OK TX**  
Related Letters: **CLEC07-374** Attachment: **NA**  
States Impacted: **Arkansas, Kansas, Missouri, Oklahoma and Texas**  
Issuing AT&T ILECS: **AT&T Arkansas, AT&T Kansas, AT&T Missouri, AT&T Oklahoma and AT&T Texas (collectively referred to for purposes of this Accessible Letter as "AT&T Southwest Region")**  
Response Deadline: **NA** Contact: **Account Manager**  
Conference Call/Meeting: **NA**

AT&T Southwest Region is sending notice of intent to file tariff revisions to introduce the Movers Cash Back Promotion for residential end users. The effective date is February 15, 2008.

The following are the details of this offer:

- Existing end users who are moving and transfer existing service to a new service address qualify for this offer.
- New end users who are moving and purchase new local service at a new service address qualify for this offer.
- The customer must also have or newly subscribe to Caller-ID and Call Waiting at the new location to qualify.
- Qualifying customers will receive a \$50 bill credit.
- Can not be combined with any other regulated promotions; May be combined with the online Installation charge waiver offer.
- Any rates referenced below are Retail rates and the applicable Resale discount will be applied.

The table below summarizes the products and USOCs included in this promotion.

State	Effective Date	End Date	Retention Period	Product Name	Product's USOC/FID	Benefit to be Provided
MO	02/15/08	01/31/09	One month	Access Line with Caller-ID and Call Waiting	NNK or NSD, or NMP and ESX	\$50.00
OK	02/15/08	01/31/09	One month	Access Line with Caller-ID and Call Waiting	NNK or NSD, or NMP and ESX	\$50.00
KS	02/15/08	01/31/09	One month	Access Line with Caller-ID and Call Waiting	NNK or NSD, or NMP and ESX	\$50.00

AK	02/15/08	01/31/09	One month	Access Line with Caller- ID and Call Waiting	NNK or NSD, or NMP and ESX	\$50.00
TX	02/15/08	01/31/09	One month	Access Line with Caller- ID and Call Waiting	NNK or NSD, or NMP and ESX	\$50.00

AT&T Southwest Region reserves the right to make any modifications to or to cancel the above information prior to the proposed filing or effective dates. Should any modifications be made to the information, these modifications will be reflected in a subsequent letter sent at the time of the filing. Should the information be canceled, AT&T Southwest Region will send additional notification at the time of cancellation. AT&T Southwest Region will incur no liability to the CLECs if such information, mentioned above, is canceled by AT&T Southwest Region or is not ultimately approved by the commission.

A copy of AT&T Texas' filing with the Public Utility Commission of Texas and any accompanying tariff sheets (if applicable) can be viewed on the Internet at the following website, typically on the effective date of the changes.

[http://www.att.com/search/tariffs.jsp?category=TEXAS/TELCO/FILING\\_LOG](http://www.att.com/search/tariffs.jsp?category=TEXAS/TELCO/FILING_LOG)





Date: **December 18, 2008**

Number: **CLEC08-452**

Effective Date: **February 1, 2009**

Category: **Resale**

Subject: **(ORDERING AND PROVISIONING) Movers Cash Back Promotion - MO  
(08SW10441, SW-100)**

Related Letters: **NA**

Attachment: **NA**

States Impacted: **Missouri**

Response Deadline: **NA**

Contact: **Account Manager**

Conference Call/Meeting: **NA**

AT&T Missouri is sending notice of intent to file tariff revisions to introduce the Movers Cash Back Promotion for Residential end users. The effective date is February 1, 2009.

The following are the details of this offer:

- Existing end users who are moving and transfer existing service to a new service address qualify for this offer.
- New end users who are moving and purchase new local service at a new service address qualify for this offer.
- The customer must purchase a Complete Choice Basic or Enhanced package.
- Customers must receive a marketing contact such as a Direct Mailing, 3<sup>rd</sup> Part Movers Package, etc. to be eligible for the offer.
- Qualifying customers will receive a \$50 bill credit.
- This offer can only be combined with the Online Installation waiver offer.
- This offer cannot be combined with any Competitive Acquisition offer.
- Any rates referenced below are Retail rates and the applicable Resale discount will be applied.

The table below summarizes the products and USOCs included in this promotion.

Effective Date	End Date	Retention Period	Product Name	Product's USOC/FID	Benefit to be Provided
02/01/09	01/31/10	One Month	Complete Choice Basic	PGOC3	\$50.00
			Complete Choice Enhanced	PGOC4	

AT&T Missouri reserves the right to make any modifications to or to cancel the above information prior to the proposed filing or effective dates. Should any modifications be made to the information, these modifications will be reflected in a subsequent letter sent at the time of the filing. Should the information be canceled, AT&T Missouri will send additional notification at the

time of cancellation. AT&T Missouri will incur no liability to the CLECs if such information, mentioned above, is canceled by AT&T Missouri or is not ultimately approved by the commission.



Date: **November 27, 2009**

Number: **CLEC09-516**

Effective Date: **February 1, 2010**

Category: **Resale**

Subject: **(ORDERING AND PROVISIONING) Movers Rewards Promotion - MO  
(08SW12085, SW-100)**

Related Letters: **NA**

Attachment: **NA**

States Impacted: **Missouri**

Response Deadline: **NA**

Contact: **Account Manager**

AT&T Missouri is sending notice of intent to file tariff revisions to make permanent the Movers Rewards Promotion for Residential end users. The effective date is February 1, 2010.

The following are the details of this offer:

- Existing end users who are moving and transfer existing service to a new service address qualify for this offer.
- New end users who are moving and purchase new local service at a new service address qualify for this offer.
- The customer must purchase a Complete Choice Basic or Enhanced package.
- Customers must receive a marketing contact such as a Direct Mailing, 3<sup>rd</sup> Part Movers Package, etc. to be eligible for the offer.
- Qualifying customers will receive a \$50 reward card.
- This offer can only be combined with the Online Installation waiver offer.
- This offer cannot be combined with any Competitive Acquisition offer.
- Any rates referenced below are Retail rates and the applicable Resale discount will be applied.

The table below summarizes the products and USOCs included in this promotion.

Effective Date	End Date	Retention Period	Product Name	Product's USOC/FID	Benefit to be Provided
02/01/10	Permanent	One Month	Complete Choice Basic	PGOC3	\$50.00
			Complete Choice Enhanced	PGOC4	

AT&T Missouri reserves the right to make any modifications to or to cancel the above information prior to the proposed filing or effective dates. Should any modifications be made to the information, these modifications will be reflected in a subsequent letter sent at the time of the filing. Should the information be canceled, AT&T Missouri will send additional notification at the time of cancellation. AT&T Missouri will incur no liability to the CLECs if such information, mentioned above, is canceled by AT&T Missouri or is not ultimately approved by the commission.



Accessible

Date: **October 20, 2010**

Number: **CLEC10-063**

Effective Date: **November 1, 2010**

Category: **Resale**

Subject: **(ORDERING AND PROVISIONING) Revised End Date for the Movers Rewards Promotion - AR, MO, OK, TX (SW-100)**

Related Letters: **CLEC10-258, CLEC10-259, Attachment: NA  
CLEC10-261, CLEC10-245**

States Impacted: **Arkansas, Missouri, Oklahoma, Texas**

Issuing AT&T **AT&T Arkansas, AT&T Missouri, AT&T Oklahoma and AT&T Texas**  
ILECS:

Response Deadline: **NA**

Contact: **Account Manager**

Conference Call/Meeting: **NA**

On October 20, 2010 AT&T Arkansas, AT&T Missouri, AT&T Oklahoma, and AT&T Texas filed a tariffs withdrawing the Cash Back Rewards Promotion for Residential end users (movers offer). Effective November 1, 2010, the movers offer will no longer be available for resale.

The effective date stated in this accessible letter shall control unless in direct conflict with the minimum time period for notification of termination of a promotional offering specified in a carrier's interconnection agreement. In the case of such a conflict, the minimum advance notification period stated in the carrier's interconnection agreement shall apply as to that specific carrier.

AT&T Arkansas, AT&T Missouri, AT&T Oklahoma, and AT&T Texas reserves the right to make any modifications to or to cancel the above information prior to the proposed filing or effective dates. Should any modifications be made to the information, these modifications will be reflected in a subsequent letter sent at the time of the filing. Should the information be canceled, AT&T will send additional notification at the time of cancellation. AT&T will incur no liability to the CLECs if such information, mentioned above, is canceled by AT&T or is not ultimately approved by the commission.

A copy of AT&T Texas' filing with the Public Utility Commission of Texas and any accompanying tariff sheets (if applicable) can be viewed on the Internet at the following website, typically on the effective date of the changes. <http://cpr.bellsouth.com/pdf/tx/filings/txfiling.htm>

Why is just Texas on this page? Shouldn't we just leave that off?



Accessible

Date: **July 30, 2010**

Number: **CLEC10-245**

Effective Date: **September 30, 2010**

Category: **Resale**

Subject: **(ORDERING AND PROVISIONING) Revision to Movers Cash Back Promotion – MO (10SW-12712, SW-100)**

Related Letters: **NA**

Attachment: **NA**

States Impacted: **Missouri**

Response Deadline: **NA**

Contact: **Account Manager**

Conference Call/Meeting: **NA**

AT&T Missouri is sending notice of intent to file tariff revisions to revise the Movers Cash Back Promotion for Residential end users **to require that services must be retained for a minimum of 30 days and at the time of the processing the reward.** The effective date of this change is September 30, 2010.

The following are the details of this offer:

- Existing end users who are moving and transfer existing service to a new service address qualify for this offer.
- New end users who are moving and purchase new local service at a new service address qualify for this offer.
- The customer must purchase a Complete Choice Basic or Enhanced package.
- Customers must receive a marketing contact such as a Direct Mailing, 3<sup>rd</sup> Part Movers Package, etc. to be eligible for the offer.
- Qualifying customers will receive a \$50 bill credit.
- This offer can only be combined with the Online Installation waiver offer.
- This offer cannot be combined with any Competitive Acquisition offer.
- **The required services must be retained for a minimum of 30 days and at the time of processing the reward.**
- Any rates referenced below are Retail rates and the applicable Resale discount will be applied.

The table below summarizes the products and USOCs included in this promotion.

Effective Date	End Date	Retention Period	Product Name	Product's USOC/FID	Benefit to be Provided
02/01/10	01/31/11	One Month	Complete Choice Basic	PGOC3	\$50.00

			Complete Choice Enhanced	PGOC4	
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AT&T Missouri reserves the right to make any modifications to or to cancel the above information prior to the proposed filing or effective dates. Should any modifications be made to the information, these modifications will be reflected in a subsequent letter sent at the time of the filing. Should the information be canceled, AT&T Missouri will send additional notification at the time of cancellation. AT&T Missouri will incur no liability to the CLECs if such information, mentioned above, is canceled by AT&T Missouri or is not ultimately approved by the commission.



Accessible

Date: **October 21, 2010**

Number: **CLEC10-323**

Effective Date: **November 1, 2010**

Category: **Resale**

Subject: **(ORDERING AND PROVISIONING) Typographical Corrections to Notice Revising  
End Date for the Movers Rewards Promotion - AR, MO, OK, TX (SW-100)**

Related Letters: **CLEC10-063**

Attachment: **NA**

States Impacted: **Arkansas, Missouri, Oklahoma, Texas**

Issuing AT&T **AT&T Arkansas, AT&T Missouri, AT&T Oklahoma and AT&T Texas**  
ILECS:

Response Deadline: **NA**

Contact: **Account Manager**

Conference Call/Meeting: **NA**

This Accessible Letter is being sent to make typographical corrections to Accessible Letter **CLEC10-063**, dated October 20, 2010. No content changes are being made.

On October 20, 2010 AT&T Arkansas, AT&T Missouri, AT&T Oklahoma, and AT&T Texas filed a tariff withdrawing the Cash Back Rewards Promotion for Residential end users (movers offer). Effective November 1, 2010, the movers offer will no longer be available for resale.

The effective date stated in this accessible letter shall control unless in direct conflict with the minimum time period for notification of termination of a promotional offering specified in a carrier's interconnection agreement. In the case of such a conflict, the minimum advance notification period stated in the carrier's interconnection agreement shall apply as to that specific carrier.

AT&T Arkansas, AT&T Missouri, AT&T Oklahoma, and AT&T Texas reserves the right to make any modifications to or to cancel the above information prior to the proposed filing or effective dates. Should any modifications be made to the information, these modifications will be reflected in a subsequent letter sent at the time of the filing. Should the information be canceled, AT&T will send additional notification at the time of cancellation. AT&T will incur no liability to the CLECs if such information, mentioned above, is canceled by AT&T or is not ultimately approved by the commission.

A copy of AT&T Texas' filing with the Public Utility Commission of Texas and any accompanying tariff sheets (if applicable) can be viewed on the Internet at the following website, typically on the effective date of the changes. <http://cpr.bellsouth.com/pdf/tx/filings/txfiling.htm>

**EXHIBIT B**





Number: **CLEC08-253**

Category: **Resale**

Related Letters: **NA**

Attachment: **NA**

Issuing AT&T ILECS: **AT&T Texas, AT&T Kansas, AT&T Oklahoma, AT&T Arkansas, AT&T Missouri (collectively referred to for purposes of this Accessible Letter as “AT&T Southwest Region”)**

Contact: **Account Manager**

Conference Call/Meeting: **NA**

The following are the details of this offer:

- End Users who switch their service to a CLEC Customer and purchase a minimum package of Complete Choice Basic or any package with those components will receive a \$50 bill credit.
- All nonrecurring feature or package installation charges associated with adding the features or a package that contain the required features to the customer's account will also be waived.

Any rates referenced below are Retail rates and the applicable Resale discount will be applied.  
End User must retain service for 30 days.

The table below summarizes the products and USOCs included in this promotion.

	USOC	AR	KS	MO	OK	TX	Effective Date
<b>Complete Choice® Basic</b>	<b>PGOC3</b>	\$21.00	\$21.00	\$21.00	\$21.00	\$21.00	9/29/2008
Access line and Caller ID and Call Waiting							
CID with Name	NMP						
CID with Number	NSD						
Call Waiting	ESX						
<b>Complete Choice® Enhanced</b>	<b>PGOC4</b>	\$26.00	\$26.00	\$26.00	\$26.00	\$26.00	9/29/2008
Access line and up to 11 calling features							
Three-Way Calling	ESC						
Speed Calling 8	ESL						
Call Forwarding	ESM						
Call Blocker	NSY						
Call Return	NSS						
Selective Call Forwarding	NCE						
Priority Call	NSK						
CID with Name (only Bk Office can remove if feature cannot be provisioned)	NMP						
CID with Number (only Bk Office can remove if feature cannot be provisioned)	NSD						
Deselectable Features							
Privacy Manager (default is deselectable - available upon req. at no charge)	CPU						
Call Waiting	ESX						
Call Waiting ID	NWT						
<b>All vertical features will be auto-selected at time of order except Privacy Mgr</b>							

AT&T Southwest Region reserves the right to make any modifications to or to cancel the above information prior to the proposed filing or effective dates. Should any modifications be made to the information, these modifications will be reflected in a subsequent letter sent at the time of the filing. Should the information be canceled, AT&T Southwest Region will send additional notification at the time of cancellation. AT&T Southwest Region will incur no liability to the CLECs if such information, mentioned above, is canceled by AT&T Southwest Region or is not ultimately approved by the commission.

A copy of AT&T Texas' filing with the Public Utility Commission of Texas and any accompanying tariff sheets (if applicable) can be viewed on the Internet at the following website, typically on the effective date of the changes. <http://cpr.bellsouth.com/pdf/tx/filings/txfiling.htm>



Date: **February 13, 2009**

Number: **CLEC09-051**

Effective Date: **April 1, 2009**

Category: **Resale**

Subject: **(ORDERING AND PROVISIONING) Extension of Win-back Cash Back Promotion-SW (09SW11028, SW-121)**

Related Letters: **CLEC08-253**

Attachment: **NA**

States Impacted: **Texas, Kansas, Arkansas, Missouri**

Issuing ILECS: **AT&T Texas, AT&T Kansas, AT&T Arkansas, AT&T Missouri (collectively referred to for purposes of this Accessible Letter as "AT&T Southwest Region")**

Response Deadline: **NA**

Contact: **Account Manager**

AT&T Southwest Region is sending notice of intent to file tariff revisions to extend the Win-Back Cash Back Promotion. The effective date of this extension is April 1, 2009 and the end date is September 30, 2009.

The following are the details of this offer:

- For end Users who switch their service to a CLEC Customer and purchase a minimum package of Complete Choice Basic or any package with those components will receive a \$50 bill credit.
- All nonrecurring feature or package installation charges associated with adding the features or a package that contain the required features to the customer's account will also be waived.

Any rates and benefits referenced are Retail rates/benefits and the applicable Resale discount will be applied.

End User must retain service for 30 days.

The table below summarizes the products and USOCs included in this promotion.

	<b>USOC</b>	<b>AR</b>	<b>KS</b>	<b>MO</b>	<b>TX</b>
<b>Complete Choice® Basic</b>	PGOC 3	\$21.00	\$21.00	\$21.00	\$21.00
Access Line and Caller ID and Call Waiting					
CID with Name	NMP				
CID with Number	NSD				
Call Waiting	ESX				
<b>Complete Choice® Enhanced</b>		\$26.00	\$26.00	\$26.00	\$26.00
Access Line and up 11 Calling Feature					
Three-Way Calling	ESC				
Speed Calling 8	ESL				
Call Forwarding	ESM				
Call Blocker	NSY				
Call Return	NSS				
Selective Call Forwarding	NCE				

Priority Call	NSK				
CID with Name	NMP				
CID with Number	NSD				
<b>Deselectable Features</b>					
Privacy Manager default is deselectable – available upon request at no charge.	CPU				
Call Waiting	ESX				
Call Waiting ID	NWT				

AT&T Southwest Region reserves the right to make any modifications to or to cancel the above information prior to the proposed filing or effective dates. Should any modifications be made to the information, these modifications will be reflected in a subsequent letter sent at the time of the filing. Should the information be canceled, AT&T Southwest Region will send additional notification at the time of cancellation. AT&T Southwest Region will incur no liability to the CLECs if such information, mentioned above, is canceled by AT&T Southwest Region or is not ultimately approved by the commission.

A copy of AT&T Texas' filing with the Public Utility Commission of Texas and any accompanying tariff sheets (if applicable) can be viewed on the Internet at the following website, typically on the effective date of the changes. <http://cpr.bellsouth.com/pdf/tx/filings/txfiling.htm>



Date: **July 28, 2009**

Number: **CLEC09-287**

Effective Date: **October 1, 2009**

Category: **Resale**

Subject: **(ORDERING AND PROVISIONING) Extension of Win-back Cash Back Promotion-SW (09SW11698, SW-121) - MO**

Related Letters: **NA**

Attachment: **NA**

States Impacted: **Missouri**

Response Deadline: **NA**

Contact: **Account Manager**

Conference Call/Meeting: **NA**

AT&T Missouri is sending notice of intent to a tariff for the Win-Back Cash Back Promotion. The effective date of this promotion is October 1, 2009 and the end date is March 20, 2010.

The following are the details of this offer:

- For residential customers who switch their service to AT&T and purchase a minimum package of Complete Choice Basic or any package with those components will receive a \$50.00 benefit.
- All nonrecurring feature or package installation charges associated with adding the features or a package that contain the required features to the customer's account will also be waived.
- The customer must retain service for 30 days.

Any rates and benefits referenced are Retail rates/benefits and the applicable Resale discount will be applied.

The table below summarizes the products and USOCs included in this promotion.

	<b>USOC</b>
<b>Complete Choice® Basic</b>	PGOC 3
<b>Complete Choice® Enhanced</b>	PGOC 4

AT&T Missouri reserves the right to make any modifications to or to cancel the above information prior to the proposed filing or effective dates. Should any modifications be made to the information, these modifications will be reflected in a subsequent letter sent at the time of the filing. Should the information be canceled, AT&T Missouri will send additional notification at the time of cancellation. AT&T Missouri will incur no liability to the CLECs if such information, mentioned above, is canceled by AT&T Missouri or is not ultimately approved by the commission.



Date: **August 25, 2009**

Number: **CLEC09-343**

Effective Date: **October 1, 2009**

Category: **Resale**

Subject: **(ORDERING AND PROVISIONING) Extension of Win-back Cash Back Promotion-SW (09SW11569, SW-121) - MO**

Related Letters: **NA**

Attachment: **NA**

States Impacted: **Missouri**

Response Deadline: **NA**

Contact: **Account Manager**

AT&T Missouri is sending notice of intent to a tariff for the Win-Back Cash Back Promotion. The effective date of this promotion is October 1, 2009, and the end date is March 13, 2010.

The following are the details of this offer:

- For residential customers who switch their service to AT&T Missouri and purchase a minimum package of Complete Choice Basic or any package with those components will receive a \$50.00 benefit.
- All nonrecurring feature or package installation charges associated with adding the features or a package that contain the required features to the customer's account will also be waived.
- The customer must retain service for 30 days.

Any rates and benefits referenced are Retail rates/benefits and the applicable Resale discount will be applied.

The table below summarizes the products and USOCs included in this promotion.

	<b>USOC</b>
<b>Complete Choice® Basic</b>	PGOC 3
<b>Complete Choice® Enhanced</b>	PGOC 4

AT&T Missouri reserves the right to make any modifications to or to cancel the above information prior to the proposed filing or effective dates. Should any modifications be made to the information, these modifications will be reflected in a subsequent letter sent at the time of the filing. Should the information be canceled, AT&T Missouri will send additional notification at the time of cancellation. AT&T Missouri will incur no liability to the CLECs if such information, mentioned above, is canceled by AT&T Missouri or is not ultimately approved by the commission.

**EXHIBIT C**

\$50 Movers Promo					
Promo Category	Bill Date	Number of Requests Filed	Retail Amount (\$50.00 each)	Amount Received (\$40.40 each)	Amount Underpaid (\$9.60 each)
Movers	8/13/2008	144	\$ 7,200.00	\$ 5,817.60	\$ 1,382.40
Movers	9/13/2008	666	\$ 33,300.00	\$ 26,906.40	\$ 6,393.60
Movers	10/13/2008	913	\$ 45,650.00	\$ 36,885.20	\$ 8,764.80
Movers	11/13/2008	1130	\$ 56,500.00	\$ 45,652.00	\$ 10,848.00
Movers	12/13/2008	889	\$ 44,450.00	\$ 35,915.60	\$ 8,534.40
Movers	1/13/2009	870	\$ 43,500.00	\$ 35,148.00	\$ 8,352.00
Movers	2/13/2009	838	\$ 41,900.00	\$ 33,855.20	\$ 8,044.80
Movers	2/13/2009	133	\$ 6,650.00	\$ 5,373.20	\$ 1,276.80
Movers	3/13/2009	45	\$ 2,250.00	\$ 1,818.00	\$ 432.00
Movers	3/13/2009	1120	\$ 56,000.00	\$ 45,248.00	\$ 10,752.00
Movers	4/13/2009	2	\$ 100.00	\$ 80.80	\$ 19.20
Movers	4/13/2009	1303	\$ 65,150.00	\$ 52,641.20	\$ 12,508.80
Movers	5/13/2009	1015	\$ 50,750.00	\$ 41,006.00	\$ 9,744.00
Movers	6/13/2009	825	\$ 41,250.00	\$ 33,330.00	\$ 7,920.00
Movers	7/13/2009	702	\$ 35,100.00	\$ 28,360.80	\$ 6,739.20
Movers	8/13/2009	722	\$ 36,100.00	\$ 29,168.80	\$ 6,931.20
Movers	9/13/2009	654	\$ 32,700.00	\$ 26,421.60	\$ 6,278.40
Movers	10/13/2009	378	\$ 18,900.00	\$ 15,271.20	\$ 3,628.80
Movers	11/13/2009	112	\$ 5,600.00	\$ 4,524.80	\$ 1,075.20
Movers	12/13/2009	86	\$ 4,300.00	\$ 3,474.40	\$ 825.60
Movers	1/13/2010	92	\$ 4,600.00	\$ 3,716.80	\$ 883.20
Movers	2/13/2010	106	\$ 5,300.00	\$ 4,282.40	\$ 1,017.60
Movers	3/13/2010	91	\$ 4,550.00	\$ 3,676.40	\$ 873.60
Movers	4/13/2010	45	\$ 2,250.00	\$ 1,818.00	\$ 432.00
Movers	5/13/2010	56	\$ 2,800.00	\$ 2,262.40	\$ 537.60
Movers	6/13/2010	80	\$ 4,000.00	\$ 3,232.00	\$ 768.00
Movers	7/13/2010	66	\$ 3,300.00	\$ 2,666.40	\$ 633.60
Movers	8/13/2010	45	\$ 2,250.00	\$ 1,818.00	\$ 432.00
Movers	9/13/2010	47	\$ 2,350.00	\$ 1,898.80	\$ 451.20
Movers	10/13/2010	47	\$ 2,350.00	\$ 1,898.80	\$ 451.20
Movers	11/13/2010	33	\$ 1,650.00	\$ 1,333.20	\$ 316.80
<b>Total</b>		<b>13,255</b>	<b>\$ 662,750.00</b>	<b>\$ 535,502.00</b>	<b>\$ 127,248.00</b>

\$50 Competitive Acquisition/Win-back Promo					
Promo Category	Bill Date	Number of Requests Filed	Retail Amount (\$50.00 each)	Amount Received (\$40.40 each)	Amount Underpaid (\$9.60 each)
Competitive Acquisition	10/13/2008	8	\$ 400.00	\$ 323.20	\$ 76.80
Competitive Acquisition	11/13/2008	305	\$ 15,250.00	\$ 12,322.00	\$ 2,928.00
Competitive Acquisition	12/13/2008	244	\$ 12,200.00	\$ 9,857.60	\$ 2,342.40
Competitive Acquisition	1/13/2009	227	\$ 11,350.00	\$ 9,170.80	\$ 2,179.20
Competitive Acquisition	2/13/2009	228	\$ 11,400.00	\$ 9,211.20	\$ 2,188.80
Competitive Acquisition	3/13/2009	297	\$ 14,850.00	\$ 11,998.80	\$ 2,851.20
Competitive Acquisition	4/13/2009	269	\$ 13,450.00	\$ 10,867.60	\$ 2,582.40
Competitive Acquisition	5/13/2009	197	\$ 9,850.00	\$ 7,958.80	\$ 1,891.20
Competitive Acquisition	6/13/2009	158	\$ 7,900.00	\$ 6,383.20	\$ 1,516.80
Competitive Acquisition	7/13/2009	138	\$ 6,900.00	\$ 5,575.20	\$ 1,324.80
Competitive Acquisition	8/13/2009	131	\$ 6,550.00	\$ 5,292.40	\$ 1,257.60
Competitive Acquisition	9/13/2009	93	\$ 4,650.00	\$ 3,757.20	\$ 892.80
Competitive Acquisition	11/13/2009	22	\$ 1,100.00	\$ 888.80	\$ 211.20
Competitive Acquisition	12/13/2009	13	\$ 650.00	\$ 525.20	\$ 124.80
Competitive Acquisition	1/13/2010	8	\$ 400.00	\$ 323.20	\$ 76.80
Competitive Acquisition	2/13/2010	19	\$ 950.00	\$ 767.60	\$ 182.40
Competitive Acquisition	3/13/2010	5	\$ 250.00	\$ 202.00	\$ 48.00
Competitive Acquisition	4/13/2010	8	\$ 400.00	\$ 323.20	\$ 76.80
Competitive Acquisition	5/13/2010	5	\$ 250.00	\$ 202.00	\$ 48.00
Competitive Acquisition	6/13/2010	2	\$ 100.00	\$ 80.80	\$ 19.20
Competitive Acquisition	8/13/2010	1	\$ 50.00	\$ 40.40	\$ 9.60
Competitive Acquisition	10/13/2010	1	\$ 50.00	\$ 40.40	\$ 9.60
<b>Total</b>		<b>2,379</b>	<b>\$ 118,950.00</b>	<b>\$ 96,111.60</b>	<b>\$ 22,838.40</b>



**EXHIBIT D**

(In multiple (28) parts)