

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

In the matter of Southwestern Bell )  
Telephone Company tariff designed to )  
consolidate a number of existing ) CASE NO. TT-95-80  
tariff sections into a new tariff )  
section, expand options under )  
BizSaver and establish a new package )  
of services called "The Works". )

CONCURRING OPINION OF COMMISSIONER HAROLD CRUMPTON

On Friday, October 14, 1994, my distinguished colleagues and I approved a Southwestern Bell Telephone Company (SWBT) tariff in case number TT-95-80. This tariff and the agreement between the Company, the Public Service Commission Staff (Staff) and the Office of Public Counsel (OPC) will result in substantial savings to Missouri rate payers.

While I have joined the majority in approving the tariff, I am concerned about two matters related to this case.

First, the parties have agreed that the Company will stand to realize additional revenues. The parties have further agreed that the Company will eliminate the charges for touch tone service. This we are told will reduce the Company's revenues by about \$15.4 million dollars. On the surface, this appears to be a good deal for all concerned<sup>1</sup>.

Nonetheless, below the surface are important policy issues. The first issue is one of who decides rate design; in this case, how a reduction to Company revenues should be effectuated in rates? Are the ratepayers more desirous of free touch tone than having more of their neighbors on the network? It is my belief that the Commission should make decisions of this nature after making a full record, complete with public comment, sworn testimony and full cross examination.

The second issue of concern is that of timeliness. The Order

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<sup>1</sup>This agreement does not carry the weight of a "Stipulation and Agreement" reached between the parties and approved by the Commission.

Approving Tariff was placed on my desk for review after 4:30 p.m. on Thursday, October 13th, with an effective date of Tuesday, October 18, 1994. In order to be approved by Commission action, the Commission had to decide this matter in our Agenda Meeting scheduled for Friday, October 14, 1994. The Commission looks with disfavor upon company requests and Staff recommendations which are delivered less than twenty-four (24) hours prior to the time at which they will require Commission action. We have long observed specific week days upon which Commission action takes place through the agenda process as required by Chapter 610 of the Revised Statutes of Missouri and case law. Likewise, the Commission has well established procedures which require orders to circulate for the Commissioners consideration at least three (3) days before Commission action is required. I feel that the requests presented to the Commissioners on October 13, 1994 for action on October 14, 1994 frustrate the well established procedures of the Commission.

Our goal is to provide an atmosphere which is conducive to a reasonable utility regulatory environment for the companies we regulate and their customers. The last-minute receipt of a Staff recommendation and agreements made without a full record impede those policies and goals.

Respectfully submitted,

  
Harold Crumpton, Commissioner

Dated at Jefferson City, Missouri,  
on this 18th day of October, 1994.