

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

At a session of the Public Service  
Commission held at its office  
in Jefferson City on the 20th  
day of December, 1985.

Case No. TC-84-233

In the matter of the investigation of the  
provision of local exchange telephone  
service by entities other than certificated  
telephone corporations, including entities  
who may resell local exchange telephone  
service.

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ORDER REJECTING TARIFFS

By order effective October 23, 1985, this Commission directed Southwestern Bell Telephone Company (SWB or Company) to file interim tariffs in compliance with the Commission's decision on the provision of shared tenant services (STS). SWB was further directed to submit tariffs pertaining to the provision of customer-owned coin telephone (COCT) service.

SWB filed proposed tariffs on November 4, 1985. The tariffs were originally to be effective December 5, 1985; however, that date was extended until December 21, 1985. After review, the Commission has determined that the tariffs should be rejected for noncompliance with the Commission's order.

The Commission recognizes that its order did not specify all of the guidelines necessary to develop interim tariffs for the provision of STS. Therefore, SWB was reasonable in assuming that additional provisions would be necessary in order to implement STS on an interim basis.

The Commission determines that it should clarify certain provisions in its original order to allow the Company better guidelines for the drafting of the interim tariffs.

The Commission will first focus on the definition of an STS customer. The Commission intended the definition to include the situation wherein a building owner leases his entire building and that lessee then sublets portions of that building to tenants or occupants. The Commission never intended an STS customer to be simply one of the tenants in the building. The tariff language should reflect that intention.

The Commission has no disagreement with SWB's definition of a single building. The Commission believes that a single building, for purposes of the interim tariffs, is not connected by tunnels, passageways, walkways, etc.

The Commission believes that tariff provisions 37.6.2 to 37.6.6 do not comply with the Commission's order. Those provisions involve an STS provider's ability to forecast the need at his facility and the resultant cost to him due to inaccurate forecasting. The Commission does not believe those provisions are frivolous nor intended to restrict interim STS provision; however, the Commission believes that issue is best determined in the context of the permanent tariff proceeding and not included in the interim tariffs.

The Commission found in its order that SWB need no longer remain the provider of last resort "for customers in STS buildings who desire to receive service from the LEC." It is obvious from the tariffs filed that this statement needs some clarification.

The Commission considers SWB's provision of service to its current customers utilizing facilities at the customer's current location in existing buildings to be a continuing obligation of SWB. This would include the obligation to provide facilities for that customer's expansion into adjacent areas. This is true where the building owner, affiliate, agent, etc., institutes STS and the customer wishes to remain a customer of SWB. This does not apply to a new customer, customer premises or building. In those instances SWB is no longer the provider of last resort and it is discretionary whether SWB will service that customer. In this case,

the Commission interprets the word "location" to mean customer premises. The Company should reflect this distinction in its tariffs.

The Commission did not address the issue of SWB competing on a detariffed basis in those buildings where it is no longer obligated to serve. However, the Commission does not believe those provisions are unreasonable for the interim period and will allow them on that basis. The Commission will closely scrutinize that concept in the permanent proceeding. Once again, this will require the Company to make changes to the tariff provisions which are consistent with the clarification of the definition of the provider of last resort.

Although the Commission is not requesting SWB to change the six-month notice requirement reflected in tariff provisions 37.6.1 and 37.6.7, the Commission expects SWB to connect STS providers as expeditiously as possible where facilities permit.

Regarding the proposed COCT tariffs, the Commission believes the Company should delete the portion of 34.2.6 after the September 23, 1985, date. The Commission does not intend to issue a separate order directing the denial of connection when a COCT provider charges more than 25 cents per local call.

It is, therefore,

ORDERED: 1. That Southwestern Bell Telephone Company be, and is, hereby directed to file tariffs in compliance with both the Commission's order in Case No. TC-84-233, which became effective October 23, 1985, and this order, on or before December 27, 1985.

ORDERED: 2. That said tariffs should reflect an effective date of January 6, 1986.

ORDERED: 3. That this order shall become effective on the date hereof.

BY THE COMMISSION

*Harvey G. Hubbs*

Harvey G. Hubbs  
Secretary

(S E A L)

Steinmeier, Chm., Musgrave,  
Hendren and Fischer, CC.,  
Concur.  
Mueller, C., Not Participating.