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**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office
in Jefferson City on the 30th
day of July, 1998.

In the Matter of the Application of AT&T)
Communications of the Southwest, Inc., for a)
Certificate of Service Authority to Provide)
Basic Local Exchange and Local Exchange)
Services.)
)

Case No. TA-96-322

ORDER APPROVING TARIFF

AT&T Communications of the Southwest, Inc. (AT&T) is a certificated provider of interexchange, local exchange, and basic local exchange telecommunications services. Case No. TA-96-322 is the case in which AT&T applied for, and was granted, authority to provide local exchange and basic local exchange services.

AT&T filed a tariff on May 15, 1998, designed to offer a service called Digital Link Service (Digital Link). The tariff's effective date is August 14. Digital Link is a facilities-based local exchange service for business customers. It permits outward local calling capabilities from a customer's premises over dedicated digital facilities, or over a LEC-provided Centrex service. Digital Link does not provide two-way calling and is designed primarily for data transmission.

Southwestern Bell Telephone Company (SWBT) filed a motion to intervene and to suspend the tariff on June 11, arguing that the Commission should resolve the issue of the extent to which the provisions of SWBT's tariffs will continue to apply to AT&T when it resells those services. SWBT also argued that the Digital Link tariff should not be

approved because it fails to provide 911 service as required by the Interconnection Agreement between SWBT and AT&T. SWBT asked the Commission to grant it intervention, suspend AT&T's Digital Link tariff, and conduct a hearing regarding its reasonableness.

AT&T filed a response on June 19 stating that Digital Link is a facilities-based service and not a resold service. However, AT&T stated that it would modify the tariff language in order to make clear its facilities based nature. AT&T also argued that the obligation to provide 911/E911 service flows from the definition of basic local telecommunications service set out in Section 386.020(4)(c), RSMo Supp. 1997. According to AT&T, Digital Link does not constitute basic local service, but is a type of local exchange service.

The Staff of the Commission (Staff) filed a pleading on June 19 objecting to SWBT's motion to suspend, citing the same grounds as those cited by AT&T. Staff asked the Commission to reject SWBT's motion to suspend. SWBT and AT&T each filed an additional pleading repeating these arguments.

Staff filed a memorandum on July 21 recommending that the Commission approve AT&T's Digital Link tariff. Staff stated that, at its request, AT&T incorporated clarifying language into its proposed tariff after SWBT had filed its motion to suspend. AT&T's revisions were submitted in substitute pages filed on July 15 and 20, and were designed to clarify that Digital Link is a facilities-based local service. Staff stated that the added language is sufficient to bring the proposed tariff into compliance with Commission rules and regulations. Staff also stated that AT&T is under no obligation to provide access to local emergency services when the underlying service is not basic local service.

The Commission has reviewed the proposed tariff, SWBT's motion to suspend, AT&T and Staff's responses, the Staff recommendation, all the other pleadings filed in this case and the applicable law, and determines that the tariff should be approved. The Commission finds that Digital Link is a one-way outward-bound service and is facilities-based. Because the service is facilities-based, there is no need to address the applicability of SWBT tariff restrictions to resold services and SWBT has demonstrated an interest sufficient to justify intervention. AT&T has revised its original filing to make it clear that Digital Link is not a resold service. See P.S.C. Mo. No. 3, Section 1.1.1.

Basic local telecommunications service is defined in Section 386.020(4), RSMo Supp. 1997, as "two-way switched voice service within the local calling scope." The Commission concludes that AT&T's Digital Link Service does not fit this definition. Accordingly, there is no obligation for AT&T to provide access to 911/E911 in connection with this offering. The Commission finds that the Digital Link tariff specifies that customers may not access local emergency services by means of Digital Link Service. See P.S.C. Mo. No. 3, Section 9.1.1. Based on these findings and conclusions, the Commission will deny SWBT's motion to intervene and to suspend the tariff, sustain Staff's motion objecting to the motion to suspend, and approve the tariff.

IT IS THEREFORE ORDERED:

1. That Southwestern Bell Telephone Company's Motion to Suspend and to Intervene filed on June 11, 1998 is denied.
2. That the Staff Objection to Southwestern Bell Telephone Company's Motion to Suspend filed on June 19, 1998 is sustained.

3. That the tariff sheets submitted by AT&T Communications of the Southwest, Inc. on May 15, 1998 are approved. The sheets approved are:

P.S.C. Mo. No. 3 - Local Exchange Services Tariff

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4. That this order shall become effective on August 14, 1998.

BY THE COMMISSION



(S E A L)

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

Lumpe, Ch., Drainer, Murray
and Schemenauer, CC., concur.
Crumpton, C., absent.

Wickliffe, Deputy Chief Regulatory Law Judge

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION