

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

In the Matter of CenturyTel of Missouri, LLC, and)	
Spectra Communications Group, LLC, d/b/a)	
CenturyTel Tariff Filings to Grandfather Remote)	Case No. TC-2007-0307
Call Forward Services to Existing Customers and)	Tariff Nos. JI-2007-0498
Existing Locations.)	

DISSENTING OPINION OF COMMISSIONER CONNIE MURRAY

I must dissent from the majority's decision to adopt the Report and Order issued on December 4, 2007, primarily in regard to disallowance of grandfathering of the RCF service only to current subscribers. In my opinion, the majority of the Commission has likely exceeded its statutory authority and certainly has set a chilling regulatory policy of requiring utilities to continue the provision of non-essential services when no law or regulation requires such.

The question of whether Socket Telecom and/or Socket Internet intend to misuse CenturyTel's existing RCF tariff is much more complicated. If a misuse occurs, a remedy is available through the complaint process before this Commission. The same is true if either CenturyTel or Socket violates the terms of the interconnection agreement. Those are separate questions that would have to be addressed with different evidence than the parties presented in this proceeding. I do not, therefore, disagree with requiring CenturyTel to fill the RCF orders placed while a change in its tariff was pending.

In terms of CenturyTel's application to change its tariff, one must first determine what legal basis, if any, the Commission has to prevent the grandfathering

tariffs from going into effect. Second, if such a basis exists, what public policy would be advanced by doing so? It appears that most of the attention has been focused on the public policy issue rather than whether the commission has a legal basis to require the continuation of the service offering.

The majority summarily rejects CenturyTel's argument that grandfathering RCF is a business decision CenturyTel should be allowed to make because no law or regulation requires RCF to be provided. The majority reasons that *"RCF is a well-established and useful service that benefits CenturyTel's customers. The primary reason CenturyTel wants to limit the future availability of that service is to erect barriers in front of its competitor. The Commission will not approve tariffs that would limit the availability of a service that is necessary to provide adequate and just and reasonable service to CenturyTel's customers."*

Assuming arguendo that RCF is a well-established and useful service, that is not enough to render it necessary for the provision of adequate and just and reasonable service. Furthermore, CenturyTel's reason for discontinuing the service is of no relevance since the law does not give the Commission the discretion to make such a business decision.

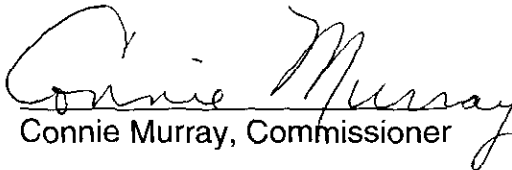
The majority cites the following statutory language to support its position, *"Every telecommunications company shall furnish and provide with respect to its business such instrumentalities and facilities as shall be adequate and in all respects just and reasonable."* (392.200.1 RSMo.) I believe the statute actually limits the authority of the Commission in this regard. The statute requires the telecommunications company to provide "adequate" services and such services shall

be "in all respects just and reasonable." RCF is a non-essential service and is not required to be offered by any law or regulation. If RCF were an essential service, the Commission would have included RCF in the "minimum elements necessary for basic local and interexchange telecommunications service" under 4 CSR 240-32.100(2). Thus, RCF is not an essential element of "adequate" service. The commission, therefore, has no authority to require the offering of RCF.

Without a legal requirement to offer RCF, I believe this is simply a business decision that CenturyTel should be allowed to make. Additionally, the majority's decision may be a disincentive for utilities to offer certain non-essential services when they are unsure of the financial outcome and success of such offerings.

For these reasons, I do not support the vote to adopt the Report and Order rejecting the tariff filings to grandfather remote call forward services to existing customers and existing locations.

Respectfully submitted,


Connie Murray, Commissioner

Dated at Jefferson City, Missouri
on this 12th day of December 2007.