

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

R. Mark,)
Complainant)
v.)
ATT a/k/a SBC a/k/a Southwestern)
Bell Telephone Company,)
Respondent)

Cause No. TC-2006-0354

FILED³

OCT 23 2006

Missouri Public
Service Commission

**COMPLAINANT'S REQUEST THAT THE COMMISSION
RECONSIDER ITS OCTOBER 12, 2006 ORDER *NUNC PRO TUNC*
GRANTING RESPONDENT'S MOTION TO COMPEL**

Comes now Complainant with *Complainant's* Request that the Commission Reconsider its October 12, 2006 Order *Nunc Pro Tunc* granting *Respondent's Motion to Compel*, and states:

1. That on October 12, 2006 the Commission issued its Order granting in part the *Motion of Respondent to Compel Responses to Data Requests*. It ordered a response to be filed on or before Monday, October 23, 2006.

2. That there is a need for the Commission to reconsider some or all of that order, its ramifications, and the history of this case in light of what it is ordering.

3. That G.E.T. §6.12.6(e) requires **only** that a residential telephone customer desiring relief from a monthly unpublished charge for unpublished service state *orally only* that:

- a. No further voice use is contemplated
- b. That a data terminal is connected to the line, i.e. fax machine

*G.E.T. §6.12.6(e) is attached as **Exhibit "A"***

4. That the amount of money involved on the face of all of the relief requested is only several hundred dollars between November 2003 and the present plus interest during which the Complainant has been forced to pay Respondent, arbitrarily and capriciously, for unpublished monthly service despite the unquestioned entitlement of the Complainant based on his representations to the Respondent from November 2003 forward including affidavits submitted in this case that the telephone line has been used exclusively for data, to wit: a fax machine, and that not only has there been no "voice use contemplated," but also that there has been no voice communication on the line!

5. That instead of granting the Complainant's request in November 2003, the Respondent oppressively, irrationally, arbitrarily, and without justification, simply, denied the Complainant's repeated requests (from that time forward), for the waiver to which Complainant has been

entitled. Then, since November 2003 Respondent has repeatedly failed and refused to give any reason other than it believes that it has "interpreted" G.E.T. 6.12.6(e) correctly; it has admitted that the only issue is whether or not a fax machine is a data terminal! At no time during the entire period of denial from November 2003 through the filing of the Formal Complainant, did Respondent raise ANY other issue--credibility, corroboration, etc., nor is any other issue pertinent to the specific requirements set forth in G.E.T. §6.12.6(e) as the Commission can and should read for itself. (Exhibit A)

6. That the Complainant thought that he could receive a fair hearing on this matter when all informal attempts failed to resolve the matter, Respondent repeatedly continued to provide NO reason why it was denying the Complainant's request from November 2003 forward for the waiver; the Complainant, a single lone residential customer, then filed this case. G.E.T. §6.12.6 (e) provides for oral "self certification" by the telephone customer and **nothing more!** It does NOT require any information to be furnished to the Respondent about what, if any, voice communication is being utilized by a telephone customer for **other** unrelated service: telephone, cell phone, other media, (i.e. voice over internet protocol), etc. It does **not** require any other address, if any, of the telephone customer. It does not require any other telephone number, VOIP telephone number, or any other telephone number of any place where the customer could have used voice communication, whether such was/is in the account holder's name or that of another. The Commission seems to be oblivious to the fact that knowing, or having information about only one other form of voice communication, is not only incomplete and a "drop in the bucket," but also it **cannot possibly lead** to the discovery of relevant and admissible evidence, as any first year law student could confirm to Members of the Commission!

7. **Only** after the filing of a formal complainant has the Respondent made inappropriate, extensive, and intrusive data requests; the pleadings in this case amount to not merely pages, but **POUNDS!** This Commission has allowed the Respondent to go on a "fishing expedition" so that this all-powerful Respondent with unlimited financial resources can **NOW try to justify its refusal to abide by G.E.T. Sec. 6.12.6(E) forward from November 2003 to the present!** Although the Commission on its face, has fairly recognized the legal limitations of a lay Complainant and seems to have been fair on procedural matters, it has provided and allow the all-powerful Respondent, a Respondent with unlimited financial and legal resources, to badger, harass, and to seek information which is not legitimately and properly required for the waiver of the monthly residential non-published charge under G.E.T. §6.12.6(e) and which cannot, and will not conceivably, lead to the discovery of admissible evidence!

8. That even the Commission's own Staff, **professionals**, agree in its Report that the Commission should grant Complainant's request for waiver and has concluded that the Respondent improperly denied such relief since 2003.

9. That even the Commission's own professional Staff has concluded that **no further facts or factual determinations would make any difference** in the Staff's recommendation that the Complainant is entitled to relief. The Commission has disregarded its own Staff's report in order to allow the Respondent to continue adding voluminous pleadings in this case to what already exists--pleadings, requirements, and orders that cannot conceivably justify the Respondent's past refusal to grant the Complainant relief under §6.16.6(e)!

10. That **subsequent** to the propounding by the Respondent of multiple invasive data requests, the Complainant moved for *Summary Judgment* and **supported** that *Motion for Summary Judgment* with two sworn affidavits--sworn statements attesting, *inter-alia*, to the fact that: 1) Since November 2003 the residential line of the Complainant has been used exclusively with a data terminal, a fax machine, and 2) that not only was no voice use "contemplated" from November 2003, but also, no voice communication has been used at any time since the aforesaid date. ***Even though G.E.T. §6.12.6(e) requires NOTHING MORE***, the affidavits of the Complainant went even further: the **fax machine was not used in any way for business, but strictly for personal use!** Even this statement is **NOT** required under G.E.T. §6.12.6(e)--- §6.12.6(e) does **NOT** state that this tariff is applicable **ONLY** for personal data use and not for business data use of a data terminal! **The Complainant overwhelming is, and was, entitled to the grant of Summary Judgment when the Respondent failed to file ANY affidavit in opposition or to present any testimony from personal knowledge to refute the sworn statements of the Complainant.** If this matter were before a Court, if a party failed to file counter-affidavits or to produce testimony in opposition, the Court would grant a Motion for Summary Judgment. Instead, this Commission has sat on its hands and done nothing relating to *Complainant's Motion*. It states in its Order of October 12, 2006 at Page #2, "Discussion" that the Commission is following the same rules of discovery that would be applicable in civil actions in the circuit court. **ANY Circuit Court judge, when one party files affidavits and the other party files nothing in opposition to a *Motion for Summary Judgment*, grants that Motion for Summary Judgment!** A Circuit Court judge would ask the other party: Why, for years, did you deny this party relief and now, incredibly, cannot refute any of the material factual statements indicating that there is no issue of material fact to be determined? Why has not the Commission done the same thing that ANY circuit court would do under the same or similar circumstances? Why has not the Commission said to itself: Since November 2003 the Respondent has refused to abide by G.E.T. §6.12.6(e); it has refused and failed to explain to the Complaint, its own customer, why it has requested no additional facts from the telephone customer for it to consider? An exhibit previously submitted by the Complainant from the Respondent's own trial counsel stated that she "did not agree" that a fax machine was a data terminal? Why then has the Commission not granted *Complainant's Motion for Summary Judgment* since ATT's trial counsel's statement is the **ONLY** issue to be decided by the Commission in this case!

11. The failure of the Commission to grant *Complainant's Motion for Summary* speaks volumes. The Commission **must ask itself**: A) Is every residential telephone customer who seeks relief under G.E.T. §6.12.6(e) [Exhibit A] going to be subjected to the same arbitrary and capricious refusal by this telephone utility? In order to obtain relief, is the Commission going to require each telephone customer to file a formal complaint and then be subjected to credibility "testing" by the Respondent and "corroboration" testing thereafter? B) The Tariff states **only two requirements--by affidavit the Complainant has not only FULLY complied, but has overwhelmingly done so!** What more is required under the tariff--**NOTHING!** As the Commission's Staff has so adeptly indicated in its sworn Report, no additional facts will make any difference!

12. The Commission has failed to fully appreciate and to realize that the sole purpose of the Respondent's "defense" of this case is to wear down the Complaint and somehow, and in some inexplicable way, justify the irrational and unsupported refusal, retroactive to November 2003, to simply grant the Complainant a waiver of the monthly unpublished charge. **The Tariff requires NOTHING MORE** than the telephone customer's oral certification--**NOTHING MORE!** The Commission must ask itself, in view of the clear and simple two requirements of the tariff, if anything more were required, then from whence does such come? The tariff speaks of no other requirements! If nothing further is required on the face of the tariff, then **nothing more can be required for enforcement of the tariff!** The Respondent has accepted the fact, in its answers to data requests and in its answer to the Complaint, that the Complainant has had a fax machine attached to his residential telephone line. Further, it has not contested the Complainant's statement that not only was no voice use contemplated in November 2003 and thereafter, but there has been NO VOICE use on the line since that date. These are Respondent's own admissions! It simply *"does not like"* these responses since such demonstrate only the Complainant's **absolute entitlement** to relief under the tariff!

13. That even the Respondent's own trial counsel, (exhibit previously provided to the Commission), **admits** that the Respondent *"does not agree"* that a fax machine is a data terminal. This is the *sine-qua-non* of this entire case--**not** a red herring--whether the Complainant's possible other communications, i.e. smoke signals, someone else's cell telephone, someone else's land-line telephone, mental telepathy, etc. is utilized for **non-fax** communications.

14. The Commission must ask itself: From November 2003 was this all-powerful Respondent interested in **any** of the facts now being sought--**NO!** It could have cared less until this case were filed! Then, it has apparently concluded that it could overwhelm the Commission with its power and resources and prevail on the Commission to rubber-stamp almost anything it sought--this appears to be the case. Why else has not the Commission concluded: Complainant has provided all relevant and material responses *that could possibly lead* to the discovery of admissible evidence. **NOTHING FURTHER IS REQUIRED!** The Commission should

further find: "The Commission's Staff has concluded that no further information, i.e., facts, would make any difference in this case. **WE AGREE!** The Complainant, as the Staff has concluded, is entitled to relief and the Respondent has failed to provide any counter affidavits or personal testimony to indicate that there is any material issue of fact to be determined."

15. The Complainant is an individual who has had the misfortune to ever having dealt with the Respondent, a Respondent that has publicly acknowledged that it violated the Constitutional rights of its own customers by providing to the U.S. government, without **any** due process or court order, thousands of private telephone records! The Commission has lost track of, and is obviously oblivious of the fact, that which is apparent to everyone else: that this Respondent merely seeks to harass and to do nothing more! Why else did it arbitrarily and capriciously deny the Complainant's request for waiver after the Complainant met **ALL** the requirements of G.E.T. §6.12.6(E) **FULLY** from November 2003 onward? Why else did it not seek **ANY** further information from Complainant until the **FORMAL** Complaint was filed? Why is it not simply admitting that the **ONLY** issue in this case is that it "does not agree that a fax machine is a data terminal?" Instead, it has expended huge financial and legal resources to harass a lowly residential telephone customer! It had no reason to question the "credibility" of the Complainant's representations to the Respondent in November 2003 and for all of the years since; nor did it have any reason to "test" or to "corroborate" **anything** until a formal complaint was filed--what has changed?

16. Now, the Commission has embolden the Respondent to continue ad-infinitum with its grant of its Motion to Compel, etc. under the guise of "we are entitled to know!" The Commission appears oblivious to the big picture: the small financial amount involved in the face of the dispute and the fact that the Complainant is not a well-healed corporation with thousands of dollars to waste and the ability to employ not even one, let alone four attorneys of record! Where is the proportionality in any consideration by the Commission in this case?

17. Respondent then has sought, and received, a protective order that benefits, basically, only the Respondent. The May 2006 Protective Order of the Commission provides that highly confidential material and proprietary information is to be released **only** to an attorney or to a consultant! The Commission apparently could have cared less whether the Complainant were acting *pro-se* and could not afford an attorney (there is none of record), or a consultant, when the financial issues involved were/are so small. The Commission seems to be obvious or naive when it comes to fundamental fairness and equality of the telephone utility customer with the overwhelming power and financial resources of this Respondent, a Respondent that has allegedly disclosed private information customer information without due process or court order and has been successful in having the legislature pass Missouri law passed that virtually makes this Commission's review of any tariff rates charged, a nullity!

18. DR1. With regard to data request #1, the Respondent **already has** the full name, address, and phone number of the Complainant. The Complainant's telephone service is and always has been within the Respondent's own records. Not only this, but the Staff has been provided (by the Respondent) all of this information in response to their data requests of the Respondent. Donna Halwe, Area Manager, Regulatory, Staff Request No. 1, RFI No.1-16, Page 1 of 1 furnished this information that the Respondent then has sought to compel, and which the Commission has ordered be compelled! Why is the Commission embolding the Respondent by ordering the Complaint to provide the same information to the Respondent that **not only is in the possession, care, and control of the Respondent, but Respondent has also irrefutably furnished to the Commission's own Staff?** Why is the Commission now threatening Complainant in its Order that it may dismiss the Complainant's Complaint unless such is furnished? This is irrational and only confirms that not only is the Respondent intent on harassing the Complainant, but that the Commission seems so influenced by this all-powerful Respondent that it is unable to see forest through the trees! Where is the fairness? Where is the equality? Where is the justification? **THERE IS NONE!** Since the Respondent furnished the same information it sought of the Complainant, to the Staff, why (if it did not seek to merely harass), did it not **WITHDRAW** its Motion to Compel relating to this particular data request? The answer is simple! Why do so when it can harass the Complainant and get the Commission to order compliance? The Commission *should* tell the Respondent--since you have admittedly already furnished the information to the Commission's Staff, there is **NO** justification for you to seek to compel the same information from the Complainant. Query: Why hasn't the Commission done this if it *purports* or considers itself to be fair and impartial? Such rulings of the Commission (the Order of October 12, 2006), lead anyone to believe that this Commission is not only **NOT** independent, but for whatever reason, is willing to permit the continued oppression of a single lowly Complainant residential customer who merely wants, and has always only merely wanted, compliance by the Respondent with G.E.T. §6.12.6(c)? The order ordering compliance with DR 1 is unfair, unjust, ignores the facts in the Commission's records, and subjects the Commission to the perception that it will not, and cannot, be fair and impartial to any residential customer who has come before the Commission seeking fundamental fairness and manifest justice--but receives neither! The Commission's purpose, it would seem apparent by paragraph #5 of its Order, is to find any way to simply eliminate this case from its docket! The perception, whether valid or not, is that it is influenced by the Respondent when it states: "*R. Mark is advised that a failure to comply with this order by fully answering the data requests, as set out in the body of this order, could result in his complaint being dismissed*" Is not a dismissal what the Respondent/Commission has been seeking all along because the Complainant has had the audacity, temerity, and perseverance to play the games that the Commission has allowed the Respondent to play? On the face of the matter, *it would appear* that the Commission is assisting

this Respondent in every way; when and if the Complaint refuses to comply and to be forced to invade his privacy and/or that of others (to continue this case), then the Commission and its Administrative judge will have a clear "reason" to do the Respondent's bidding--to dismiss this case!

19. Requiring **ANY** telephone number or address that may have been used **ANYWHERE** by the Complaint is absurd and ridiculous! Such would have been for voice communication and proves nothing nor can it possibly lead to the discovery of admissible evidence! The Commission has excluded requiring all telephone numbers including the phone number of others. However, in doing so, it has eliminated any argument that *any* phone number used by the Complainant for voice communication might "shed light" on whether the "fax" line of the Complainant (which is the subject of this Complaint), is used exclusively for fax purposes! This is non-sequitur and makes no sense! Further, G.E.T. §6.12.6(e) does not require or provide for "corroboration" of any customer's request for the waiver of the monthly charge for non-published service!. Since November 2003, no "corroboration" has even been requested in any way by the Respondent. Why, now, **only after the filing of a Formal Complaint**, is the Respondent *suddenly* entitled to "test" and to "corroborate?" And, how will **ANY** voice communication used by the Complainant during the period corroborate or not corroborate **ANYTHING**! Not only the Complainant, but also others consulted by the Complainant, cannot understand the Commission's reasoning! Each person consulted has urged that I request that the Commission reconsider and request that the Commission take another look to see if it can see the forest through the trees relating to its order of October 12, 2006!

20. Likewise, DR2. Since the Complainant is not required to furnish any other account holder's voice telephone service number or address, what difference would it possibly make if the Respondent had, or had not, any **OTHER** type of voice service anywhere, wherever located? Further, what good would the addresses and telephone number(s), if any, be to the Respondent other than to harass and to use the Commission's Order compelling such private information! The specific information requested cannot possibly bear on the issue of the Complainant's residential P.O.T.S. line that is used, and has been used, for fax purposes **only** with a data terminal since November 2003. The Commission wisely indicated that the Complainant is not required under DR. 9 to indicate anything about cellular service. Why then would any possible land-based voice service be relevant, material, or could likely lead to the discovery of admissible evidence? Again, this is the same Respondent who is alleged to have furnished the federal government with thousands of its customer's records without court order, without any due process of law, and without any judicial oversight!

21. Likewise, DR 3 requiring the Complaint to furnish employment at any time since November 1, 2003, position, title, etc.. By affidavit, the Complainant has already indicated that he receives no income from any business source! Additionally, does G.E.T. §6.12.6(e) indicate

ANYTHING about employment of the residential telephone customer? **NO!** How is any position and/or title of Complainant, if any, going to make any difference to anything--whether the Complainant sweeps the floor or takes care of the mail--how could this conceivably make any difference since such would not be involving the residential telephone line of the Complainant used for personal, non business, faxes? The Complainant further could do volunteer work for organizations, **this information is not now being required** by the Commission. What of the telephone numbers and addresses of voluntary organizations? Other than an outright invasion of privacy, the Commission **must ask itself**: Is this or is this not *really* going to lead to the discovery of admissible evidence? If it thinks about it, the answer is **NO!** It is like having 5% of the picture and not the other 95%; the 5% does nothing to help the Respondent justify its incredible and reprehensible denial of relief to the Complainant for years: since November 2003, **long before** the formal Complaint was filed!

22. How could employment elsewhere refute in anyway the affidavit of the Complainant that the fax machine **on the Complainant's residential telephone line** in question was/is used for personal use. Further, the Respondent has misrepresented the facts. G.E.T. §6.12.6(e) does **NOT** speak *in any aspect* about faxes: personal faxes and/or business faxes. The tariff is attached; the Commission should read it! Credibility? How could such information sought and now ordered, possibly answer the question whether or not the Complainant has put the "telephone line in question" to any other use than the transmission/reception of data? **THE TELEPHONE LINE AT ISSUE is the only issue!** The Commission is again urged to take a look at GET 6.1.2.6(e) and to ask itself, is not the telephone line at issue, the **ONLY** issue? Where in G.E.T. §6.12.6(e) does it speak about any certification as to the use of the particular data terminal involved? It does not! During the years preceding the filing of the formal Complaint, is there **any** indication that the Respondent requested or inquired that the Complainant furnish any additional information? Why is the Commission now allowing and ordering this *simply because* a formal complaint has been filed by the Complainant?

23. Is the Commission now going to open a pandora's box and permit this Respondent to continue to arbitrarily and capriciously (*without any fear of any penalty or cost or payment of the reasonable value of the time, effort, and energy required by a Complainant in such customer's formal complaint because none currently exists under the Commissions Rules/Regulations* if the Complainant were to prevail), deny a residential customer's request for a monthly waiver under G.E.T. §6.12.6(e) and then allow it to place any telephone customer "through the mill" when a formal complaint is filed?

24. Further in DR5, the Complainant responded that all faxes sent/received by the complainant were **personal, non-business** related in nature. Even though such is not required under G.E.T. §6.12.6(e), the Complainant responded. **ANYTHING** further on this point is pure harassment by the Respondent! Whether the Complainant works, or does not work, the address

and telephone number at employment, if any, and the title/duties, if any, are totally irrelevant as would also be the address and telephone number of any hospital work or voluntary work that the Complainant might or might not have done since November 2003. Obviously, this entire case is "not to AT&T's liking," but it has refused any settlement which would even waive future charges to the Complainant and it has no interest in doing anything **but simply winning**, winning at all costs--be damned with ethics, fairness, reasonableness, or concern for the lowly telephone residential customer who has been a loyal customer for many years and who does not have the where-with-all or financial resources to battle Goliath!

25. G.E.T. §6.12.6(e) **does not** require any "documentation" that a fax machine is a data terminal. Where in this tariff does it require any residential telephone customer to provide what is common knowledge? An Illinois court has concluded that there are only two types of telephone line transmissions: data and voice. Since it is common knowledge that a fax machine transmits/receives data and not voice, then it goes without saying, just as the sun sets in the West, that a fax machine is used for the reception and transmission of data. The Commission's Staff Report discussed this in detail. The Commission should take a look.

26. Further, the Order of the Commission of October 12, 2006 makes no sense! In DR4 it accepts the Complainant's sworn statement that he has provided no services to another for compensation. Would not this include the "business" required for him to answer in DR3? How could the title or any job responsibilities, if any, make ANY difference to ANYTHING relating to the residential P.O.T.S. line in question?

27. Respectfully, the Commission should review what it is asking, review whether §6.12.6(e) requires **any** of this from any telephone customer, and ask itself: "If the customer was not requested to provide any information **for years subsequent** to Respondent's refusal to grant relief," why, only now, is the Respondent entitled to more--much more? The requirements for waiver under G.E.T. 6.12.6(e) must be considered on its face, it is clear and unambiguous. Did the Respondent **AT ANY TIME** prior to the filing of the Formal complaint, (November 2003 through 2006), request **ANY** of this information from the residential telephone customer? If not, why should it be entitled to do so now since the only difference is the filing of a formal complaint?

28. Simultaneously with the filing of this Motion, Complainant has confirmed to the Respondent, DR. 1, furnished to Respondent the information ordered in DR. 7, and furnished to the Respondent the information ordered in DR. 8.

WHEREFORE, having in good faith provided ANY information which conceivably could lead to any conceivable discovery of admissible evidence, Complainant prays that the Commission, upon reconsideration, will enter its order *Nunc Pro Tunc*, ordering that nothing

and telephone number at employment, if any, and the title/duties, if any, are totally irrelevant as would also be the address and telephone number of any hospital work or voluntary work that the Complainant might or might not have done since November 2003. Obviously, this entire case is "not to AT&T's liking," but it has refused any settlement which would even waive future charges to the Complainant and it has no interest in doing anything **but simply winning**, winning at all costs--be damned with ethics, fairness, reasonableness, or concern for the lowly telephone residential customer who has been a loyal customer for many years and who does not have the where-with-all or financial resources to battle Goliath!

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WHEREFORE, having in good faith provided ANY information which conceivably could lead to any conceivable discovery of admissible evidence, Complainant prays that the Commission, upon reconsideration, will enter its order *Nunc Pro Tunc*, ordering that nothing

further than Complainant's confirmation of the records of the Respondent pursuant to DR 1, a response to Dr. 7, and a response to Dr. 8 shall be required of the Complainant. Complainant further prays that the Commission will enter a stay of any further demands relating to Respondent's data requests and an extension of time IF the Commission still requires any further response(s) of the Complainant. Additionally, the Complainant prays that the Commission will enter any other and further orders as it may find to be just and proper in the premises after reviewing the totality of the case, G.E.T. §6.12.6(e), the conduct of the Respondent, the issue of proportionality, and lack of penalty or sanction for a Respondent's arbitrary and capricious denial of relief correctly and appropriately sought under any General Exchange Tariff (to the detriment of a customer who then must go through a formal process in order to *try* to obtain relief from the Commission!)

Respectfully,


Complainant

October 21, 2006

Copies faxed to the Public Service Commission,
General Counsel's Office, 573-751-9285;
Lewis R. Mills, Jr., Office of Public Counsel,
573-751-5562, and mailed to the Attorneys for
AT&T Missouri, Respondent.

9029 Gravois View Ct. MC
St. Louis, Missouri 63123



A

No Supplement to this
tariff will be issued
except for the purpose
of canceling this tariff.

P.S.C. Mo.-No. 35

General Exchange Tariff
Section 6
15th Revised Sheet 11
Replacing 14th Revised Sheet 11

DIRECTORY SERVICES


6.12 NONPUBLISHED EXCHANGES SERVICE (cont'd)

6.12.4 Residence nonpublished exchange service will be furnished at the following rate:

| | | Monthly Rate | Service and Equipment Charge (1) |
|--|-------|-----------------|-------------------------------------|
| Nonpublished Exchange Service, each Nonpublished telephone number | (NPU) | \$2.14 (CR)(2) | \$6.00 |

6.12.5 The minimum term for which nonpublished Exchange Service will be billed is one month.

6.12.6 The rate will not apply in the following cases:

- A. Foreign Exchange Service, where the customer is also furnished Local Exchange Service.
- B. Additional Local Exchange Service furnished the same customer in the same exchange so long as the customer has Local Exchange Service listed in the directory in the same exchange.
- C. Local Exchange Service for customers living in a hotel, hospital, retirement complex, apartment house, boarding house or club, if the customer is listed under the telephone number of the establishment.
- D. Where a customer's service is changed to nonpublished for a Telephone Company reason due to unusual circumstances, such as harassing calls, threats or other acts adversely affecting the health, welfare, security or service of the customer. (This service should not be provided for a period of more than one month.)
-  E. When a customer who has service which involves data terminals where there is no voice use contemplated.
- F. When the customer elects to publish his/her preferred number service telephone number in lieu of the residence local exchange number in the same exchange.

- (1) The Service and Equipment Charge is applicable only when the request for non-published Exchange Service is subsequent to the initial installation of the exchange access line.
- (2) A portion of this rate is interim and subject to refund to all the customers charged pursuant to the revenue recovery mechanism described in P.S.C. Mo.-No. 24, Local Exchange Tariff, Paragraph 1.7.7.A, and 1.8.6, and in P.S.C. Mo.-No. 26, Long Distance Message Telecommunications Service Tariff, paragraphs 1.10.4 and 1.11.F.

Issued: June 10, 2003

Effective: July 10, 2003

By CINDY BRINKLEY, President-SBC Missouri
Southwestern Bell Telephone, L.P., d/b/a SBC Missouri
St. Louis, Missouri

Filed
MO PSC