

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

In the Matter of the Petition for Waivers of)	
Certain Rules and Statutes on Behalf of AT&T)	Case No. TE-2009-0169
Corp.)	Tariff No. JX-2009-0329

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission and for its recommendation states:

1. On November 4, 2008, AT&T Corp. d/b/a AT&T Advanced Solutions (AT&T) petitioned the Commission for a waiver of the application and enforcement of certain rules and statutes. AT&T also filed a revised tariff sheet reflecting the requested waivers. The revised tariff sheet bears a proposed effective date of December 4, 2009.

2. In Case No. TA-2008-0045, the Commission granted AT&T a certificate of service authority to provide nonswitched local exchange telecommunications services, classified AT&T as a competitive telecommunications company, and granted AT&T the standard waivers.

3. Section 392.420 RSMo, as amended by H.B. 1779, states in part: "The commission is authorized, in connection with the issuance or modification of a certificate of interexchange or local exchange telecommunications service, to entertain a petition to suspend or modify the application of its rules or the application of any statutory provision contained in sections 392.200 to 392.340 if such waiver or modification is otherwise consistent with the other provisions of sections 392.361 to 392.520 and the purposes of this chapter."

4. In the attached Memorandum, labeled Appendix A, the Staff states that the additional waivers requested in this case meet this standard.

WHEREFORE, the Staff recommends that the Commission grant the requested waivers and approve the revised tariff sheet.

Respectfully submitted,

/s/ William K. Haas
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Missouri Bar No. 28701

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 25th day of November, 2008.

/s/ William K. Haas

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Case No. TE-2009-0169
Tariff File Number JX-2009-0329

From: William Voight

Subject: Staff Recommendation to Approve AT&T's Request for Waivers

Date: November 26, 2009

On November 4, 2008 AT&T Corporation d/b/a AT&T Advanced Solutions ("Company" or AT&T) filed a Petition and accompanying tariff sheet to exempt the Company from certain statutory requirements and Commission rules. The specific waivers requested by the Company and a brief description are as follows:

Commission Rules (4 CSR 240-)	Brief Description
3.550 (4) and (5)(A)	Held order records, Quality of service reports.
32.060	Engineering and maintenance
32.070	Quality of Service
32.080	Service objectives and surveillance levels
33.040(1) through (3) and (5) through (10)	Billing and payment standards
33.045	Clear identification and placement of charges on bills
33.080(1)	Clearly identify company name & toll free number on bill
33.130(1), (4) and (5)	Operator service billing-related requirements

Missouri Statutes	Brief description of Commission's authority
392.210(2)	Prescribe a system of accounts
392.240(1)	Determine reasonableness of rates
392.270	Determine valuation of property
392.280	Determine depreciation rates/accounts
392.290	Establish regulations regarding issuance of stocks, bonds and other indebtedness
392.300	Transfer of property and ownership of stock
392.310	Approval of issuing stocks, bonds and other indebtedness
392.320	Certificate of Commission to be recorded—stock dividends
392.330	Account for disposition of proceeds of all sales of stocks, bonds, notes and other indebtedness
392.340	Reorganization

AT&T requests the Commission grant the waivers by claiming that it is an “alternative local exchange telecommunications company” pursuant to Section 386.020(1). AT&T states that it is qualified for the waivers pursuant to House Bill 1779, which added Subsection 392.245.5(8) and revised Section 392.420 RSMo. Essentially, these provisions of House Bill 1779 permit competitive (or “alternative”) and incumbent local exchange carriers to petition the Commission for a grant of the requested waivers.

In the Staff’s opinion, AT&T is not an “alternative local exchange carrier” and it is not certificated as such because its local exchange certificate restricts the Company to providing only “non-switched, dedicated, private line” telecommunications services. Because it is not an alternative local exchange carrier, the Staff disagrees that AT&T’s request should be granted on the basis of statutory changes made pursuant to House Bill 1779.

As an alternative, AT&T states that the Commission should grant its request pursuant to Subsection 392.361.5. Staff notes that this Subsection has historically been relied upon by the Commission as a means to forbear from enforcing its rules and certain statutory requirements for competitive telecommunications companies.

In the Staff’s opinion, granting the requested waivers to AT&T is consistent with other provisions and the purposes of Chapter 392. Alternative local exchange carriers, price capped incumbent local exchange carriers, and non-competitive incumbent local exchange carriers have received these waivers pursuant to sections 392.245.5(8) and/or 392.240. In essence, the Staff recommends granting the requested waivers because the Commission is required to do so even for non-competitive companies.

The Staff recommends the Commission approve the following tariff sheet:

AT&T Advanced Solutions Mo. P.S.C. Mo. No. 3
1st Revised Page 2; Replacing Original Page 2

The Staff is unaware of any other matter that may affect the matters in this case.

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Case No. TE-2009-0169

AFFIDAVIT OF William Voight

STATE OF MISSOURI)
) ss:
COUNTY OF COLE)

William Voight, employee of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that he/she has participated in preparing the accompanying Staff Recommendation, and that the facts therein are true and correct to the best of his knowledge and belief.

Bill Voight

WILLIAM VOIGHT



Subscribed and affirmed before me this

25th day of November 2008

Sharon S. Wiles

NOTARY PUBLIC

SHARON S. WILES
Notary Public - Notary Seal
State of Missouri
Commissioned for Cole County
My Commission Expires: October 23, 2010
Commission Number: 06429091