

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

In the Matter of AT&T Communications )	
of the Southwest, Inc.'s Proposed Tariff to )	Case No. TT-2002-129, <i>et al.</i>
Establish a Monthly Instate Connection )	(consolidated)
Fee and Surcharge )	

**STAFF'S SUGGESTION REGARDING COMMISSION PROCEEDINGS**

COMES NOW the Staff of the Missouri Public Service Commission (Commission) and for its suggestion on how to proceed in these matters, states:

1. On March 2, 2005 the Commission conducted a conference among the parties to receive suggestions from the parties on how to proceed on remand in these matters. The Commission subsequently issued an order directing the parties to file their suggestions in this matter.

2. The Commission currently has a rulemaking proceeding underway in Case No. TX-2005-0258 to address charges on customer bills for telecommunications services, and, specifically, to address line-item surcharges exactly like those at issue in these cases. Although the version of the proposed rule filed with the Secretary of State for comment on February 3, 2005 does not appear to conflict with the line-item surcharges at issue in these consolidated cases, it may be counterproductive to commence actions in these remanded proceedings at the same time as the Commission is considering a rule that will provide guidance on at least some of the issues raised here.

3. Also, the Federal Communications Commission open meeting on March 10, 2005 is expected to address the *National Association of State Utility Consumer Advocates' Petition for Declaratory Ruling Regarding Truth-In-Billing* in CG Docket No. 04-208. That petition also

addresses these line-item type charges. Public comments have been submitted and an order may issue soon. The FCC could possibly act to preempt state action in this area. The FCC's agenda reflects the following entry:

**TITLE:** Truth-in-Billing and Billing Format (CC Docket No. 98-170) and National Association of State Utility Consumer Advocates' Petition for Declaratory Ruling Regarding Truth-in-Billing (CG Docket No. 04-208).

**SUMMARY:** The Commission will consider an Order, Declaratory Ruling, and Second Further Notice of Proposed Rulemaking regarding the truth-in-billing rules and a related petition for declaratory ruling filed by the National Association of State Utility Consumer Advocates.

Further insight into FCC action will be available after the March 10, 2005 open meeting.

4. Staff recommends, in light of proceedings already underway at both the Missouri Commission and at the Federal Communications Commission, that this Commission allow its own rulemaking proceeding to take its course over the next few months. During that same time, the FCC action should become clearer. The rulemaking hearing in Case No. TX-2005-0258 is currently set for May 11, 2005 and the Commission is required to act within ninety days of that date. The companies have requested that the Commission set a date for filing of proposed findings of facts and conclusions of law, and the Office of Public Counsel has requested the Commission to reopen the records in these matters for additional evidence. Staff recommends the Commission decline to take either course until the rulemaking process has taken its course.

WHEREFORE, Staff requests the Commission to hold this case in abeyance and to direct the Staff to file a notice in this case within fifteen days after the filing at the Secretary of State's Office of the final order of rulemaking in Case No. TX-2005-0258, so this proceeding may then proceed to resolution.

Respectfully submitted,

DANA K. JOYCE  
General Counsel

**/s/ David A. Meyer**

---

David A. Meyer  
Senior Counsel  
Missouri Bar No. 46620

Attorney for the Staff of the  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 751-8706 (Telephone)  
(573) 751-9285 (Fax)  
[david.meyer@psc.mo.gov](mailto:david.meyer@psc.mo.gov)

### **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 4<sup>th</sup> day of March 2005.

**/s/ David A. Meyer**

---