

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

In the Matter of Tariff Filing of AT&T Long)
Distance Increasing MRC on Consumer)
Calling Plans)

Case No. TT-2008-0372
Tariff File No. JX-2008-0673

STAFF RECOMMENDATION AND RESPONSE TO PUBLIC COUNSEL’S MOTION

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

1. AT&T Long Distance has filed tariff sheets to implement rate increases for monthly recurring charges on certain competitive long distance service plans the company offers in Missouri. On May 28, 2008, the Office of the Public counsel filed a pleading stating its objection to the increased charges and asks the Commission to “decline to approve the tariff”. The challenged tariff sheets carry an effective date of June 12.

2. Commission rule 4 CSR 240-2.080(3) requires:

(3) Each pleading shall include a clear and concise statement of the relief requested and specific reference to the statutory provision or other authority under which relief is requested.

Public Counsel’s motion fails to comply with this rule because it does not include a specific reference to the statutory provision or other authority under which relief is granted. Public Counsel’s motion ‘asks the Commission to take notice of this increase and Public Counsel’s objection that this increase in MRC for competitive services is inconsistent with robust competition, Section 392.185(6) RSMo 2000 (“Allows full and fair competition to function as a substitute for regulation when consistent with the protection of ratepayers and otherwise consistent with the public interest”) and decline to approve the tariff.’ Section 392.185 RSMo states that the provisions of this chapter shall be construed toward nine goals. In other

words, Section 392.185 provides guidance for construing the statutes in Chapter 392 RSMo; but it does not provide authority to the Commission to decline to approve the tariff sheets.

3. Section 392.500 RSMo (Cum. Supp. 2007) provides, in relevant part, that any proposed increase in rates for any competitive telecommunications service shall be permitted ten days after the filing of the proposed rate and notice to all potentially affected customers at least 10 days prior to the implementation of such increase.

4. In the attached Memorandum, the Staff recommends the Commission consider, but then take no action on Public Counsel's objection because the rate increase is for competitive services, and permit the tariff filing to take effect by operation of law. The Staff notes that in its opinion the customer notice is acceptable.

WHEREFORE, the Staff recommends the Commission consider but take no action on Public Counsel's objection and allow the tariff sheets to go into effect by operation of law.

Respectfully submitted,

/s/ William K. Haas

William K. Haas

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been mailed, hand-delivered, or transmitted by facsimile or electronically mailed to all counsel of record this 4th day of June 2008.

/s/ William K. Haas_____

M E M O R A N D U M

To: Missouri Public Service Commission Official Case File
Case Number TT-2008-0372
SBC Long Distance, LLC d/b/a AT&T Long Distance

From: Sara Buyak

Through: William Voight

Subject: Staff Recommendation to Allow Tariff Filing to go into Effect by
Operation of Law on June 12, 2008

Date: June 3, 2008

On May 12, 2008 AT&T Long Distance (AT&T) submitted Tariff File Number JX-2008-0673 in which the company proposes to increase rates \$1.00 per month on certain residential customers. These rates include the following services:

- Value Plus Flat Rate from \$4.00 to \$5.00
- JustCall Plus II from \$5.00 to \$6.00
- JustCall Standard II from \$5.00 to \$6.00
- AT&T One Rate Nationwide 3 Cents Preferred from \$5.00 to \$6.00
- AT&T One Rate nationwide 7 Cents Preferred from \$3.00 to \$4.00
- JustCall 5 Cents from \$5.00 to \$6.00
- JustCall 100 from \$9.00 to \$10.00

On May 28, 2008 the Office of the Public Counsel (OPC) filed an Objection to Increased Charge of AT&T's instant filing. OPC states that the proposed tariff for increases in certain customer calling plans is contrary to public policy and should not be implemented. OPC also states competition is not robust and does not offer consumer protection from rate increases.

The Telecommunications Department Staff (Staff) recommends the Commission consider, but then take no action on OPC's Objection because the rate increase is for competitive services, and permit the tariff filing to take effect by operation of law on June 12th. Staff reviewed customer notice and finds it acceptable as filed.

The specific tariff sheet recommended to be allowed to go into effect is:

SBC Long Distance, LLC d/b/a AT&T Long Distance
4th Revised Sheet 652 Replacing 3rd Revised Sheet 652

4th Revised Sheet 655 Replacing 3rd Revised Sheet 655

4th Revised Sheet 661 Replacing 3rd Revised Sheet 661

4th Revised Sheet 664 Replacing 3rd Revised Sheet 664

5th Revised Sheet 666 Replacing 4th Revised Sheet 666

5th Revised Sheet 667 Replacing 4th Revised Sheet 667

Staff is unaware of any other matter that affects, or that would be affected by, this filing.

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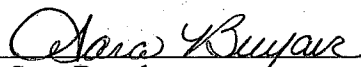
In the Matter of the Tariff Filing of SBC)
Long Distance, LLC, d/b/a AT&T Long)
Distance, Increasing the MRC on)
Consumer Calling Plans)

Case No. TT-2008-0372

AFFIDAVIT OF Sara Buyak

STATE OF MISSOURI)
) ss:
COUNTY OF COLE)

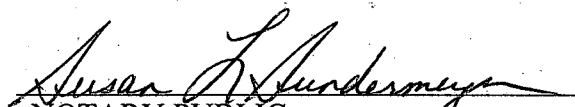
Sara Buyak, employee of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that she has participated in preparing the accompanying staff recommendation, and that the facts therein are true and correct to the best of her knowledge and belief.


Sara Buyak

Subscribed and affirmed before me this 3rd day of June 2008.



SUSAN L. SUNDERMEYER
My Commission Expires
September 21, 2010
Callaway County
Commission #06942086


NOTARY PUBLIC