

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 10th day of
June, 2008.

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

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

ORDER DENYING PUBLIC COUNSEL'S OBJECTION TO TARIFFS

Issue Date: June 10, 2008

Effective Date: June 20, 2008

On May 12, 2008, SBC Long Distance, LLC, d/b/a AT&T Long Distance, issued several revised tariff sheets designed to increase the monthly recurring charges on certain competitive long distance service plans the company offers in Missouri. The revised tariff sheets carry an effective date of June 12. The Commission assigned tariff number JX-2008-0673 to AT&T Long Distance's revised tariff sheets. On May 28, the Office of the Public Counsel filed a pleading entitled "Objection to Increased Charge". Public Counsel contends the rate increase proposed by AT&T Long Distance is inconsistent with robust competition. Public Counsel indicates it wants the Commission to take notice of the increase and Public Counsel's objection to that increase, and then asks the Commission to decline to approve the tariff.

In response to Public Counsel's pleading, the Commission ordered that any party wishing to respond to that pleading do so no later than June 4. AT&T Long Distance responded on June 2. AT&T Long Distance explains that it is a competitive telecommunications company in Missouri. As such, Section 392.500, RSMo (Supp. 2007) allows it to increase its rates or charges simply by filing a tariff with at least a ten-day

effective date.

The Commission's Staff responded to Public Counsel's pleading on June 4, and had previously filed a favorable recommendation in tariff file JX-2008-0673. Staff also indicates that as a competitive company, AT&T Long Distance is allowed to raise rates for its services by filing a ten-day tariff. According to Staff, Public Counsel has failed to cite any statutory provision that would allow the Commission to reject that tariff filing. Staff recommends the Commission take no action on Public Counsel's objection and allow the challenged tariff sheets to go into effect by operation of law.

It is not clear what Public Counsel actually hopes to accomplish through its objection to AT&T Long Distance's tariff sheets. If it merely wants to bring this rate increase to the Commission's attention, it has done so. However, if it actually wants to block implementation of those rate increases it has not cited a basis for such action by the Commission. It is quite clear that the Commission has no authority under the controlling statute to regulate the price that a competitive company, such as AT&T Long Distance, can charge its customers. Therefore, the Commission will deny Public Counsel's Objection. The AT&T Long Distance tariff sheets will go into effect by operation of law on their effective date of June 12.

IT IS ORDERED THAT:

1. The Office of the Public Counsel's Objection to Increased Charge is denied.
2. This order shall become effective on June 20, 2008.

3. This case shall be closed on June 21, 2008.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Davis, Chm., Murray, Jarrett, and Gunn, CC., concur;
Clayton, C., concurs, with separate concurring opinion to follow.

Woodruff, Deputy Chief Regulatory Law Judge