

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the tariff filing of AT&T)
Long Distance increasing MRC on)
Consumer Calling Plans.)
Case No. TT-2008-0372

CONCURRING OPINION OF COMMISSIONER ROBERT M. CLAYTON III

This Commissioner concurs in the Order Denying Public Counsel's Objection to Tariffs. While Public Counsel raises legitimate concerns with regard to competition in the long distance market and highlights a significant rate increase for consumers, there is simply no legal authority for the Commission to reject the tariff. The Commission's ability to review competition and evaluate consumer choices in telecommunications cases has been severely limited and it no longer has the tools to effectively apply regulatory analysis to such rate increases. This Commissioner has no choice as a matter of law but to deny Public Counsel's Motion.

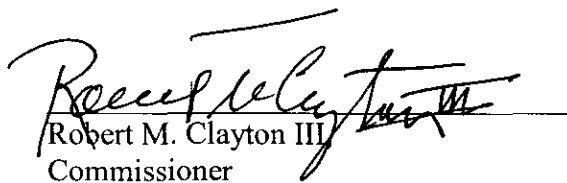
However, the Commission should not hide behind strict legal analysis in ignoring what is occurring in various telecommunications markets. There are fewer carriers offering services in the marketplace and unbridled rate increases cannot be ignored. The Commission does not have the ability to reject the tariffs but it can open an investigation in an effort to study and identify trends in the marketplace. This information should be compiled in a report and delivered to the General Assembly for its consideration when debating legislation. The Commission still has a policy role to play in compiling relevant and timely information for the public and to the Legislative Branch. Competition is

supposed to replace regulation to discipline prices. If competition is limited or non-existent, prices will increase without any regulatory scrutiny.

The Public Counsel's office has suggested that it raises the issue to make sure the Commission and the public are on notice regarding the wave of price increases in the telecommunications sector. This Commissioner takes notice and urges the staff to fully analyze and assess the state of telecommunications competition in Missouri so that the Commission can provide accurate information to members of the General Assembly and consumers.

For the foregoing reasons, this Commissioner concurs.

Respectfully submitted,


Robert M. Clayton III
Commissioner

Dated at Jefferson City, Missouri,
on this 12th day of June, 2008.