

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 12th day
of June, 2008.

In the Matter of the Tariff Filing of AT&T)	
Missouri Introducing a New Fee for)	<u>Case No. TT-2008-0370</u>
Business Customers)	Tariff No. JI-2008-0702

ORDER DENYING MOTION TO REJECT TARIFF

Issue Date June 12, 2008

Effective Date: June 22, 2008

On May 23, 2008, Southwestern Bell Telephone Company, d/b/a AT&T Missouri, filed a proposed revision to its tariff seeking to implement a "Convenience Fee" of \$5.00 for business customers in competitive exchanges who request assistance from a company representative in processing a payment. The proposed revision has an effective date of June 23.

On May 27, the Office of the Public Counsel filed a Motion to Reject Tariff. Public Counsel posits that the tariff filing fails to comply with Commission rule 4 CSR 240-3.545(15) in that "telecommunications companies are required to submit to the commission with the tariff filing, a copy of the notification of rate increases that was sent or will be sent to customers pursuant to 4 CSR 240-33.040(4) and a positive affirmation in writing that the notice was sent or will be sent to customers at least ten (10) days in advance of the rate's effective date."

As directed by the Commission, both AT&T Missouri and the Staff of the Commission filed responses to Public Counsel's motion. AT&T points out that prior to

being charged the \$5.00 fee, the business customer would be notified of such by the representative from whom assistance is being sought. AT&T also notes that Commission rules do not require written notice if AT&T regularly announces the fee prior to each time the customer uses the service.

Staff points out that AT&T's proposed tariff does not violate Commission rules and should be allowed to go into effect by operation of law. Additionally, Staff informs the Commission that of AT&T's 165 exchanges, 109 are deemed competitive. Although Public Counsel was given the opportunity to reply to AT&T and Staff's responses, it did not do so.

Discussion

Commission rule 4 CSR 240-3.545 (15) states:

All telecommunications companies are required to submit to the commission with the tariff filing, a copy of the notification of rate increases that was sent or will be sent to customers pursuant to 4 CSR 240-33.040(4) and a positive affirmation in writing that the notice was sent or will be sent to customer's at least ten (10) days in advance of the rate's effective date.

As argued by Public Counsel, Commission rule 4 CSR 240-33.040(4) does require that such notice be sent. However, at the end of the text of section (4), the rule sets out the following exception:

Written notice is not required if the affected service with the proposed rate increase regularly announces the applicable rate prior to each time the customers uses the service.

A review of the proposed tariff shows that company representatives will inform the business customer of the charge prior to providing assistance. It is clear that the proposed tariff does not violate Commission rules.

Furthermore, as pointed out by AT&T and noted by the Commission,¹ because the tariff sheet involves services and exchanges that have been designated as competitive, the company may adjust its rates for such services as it determines appropriate.²

Conclusion

Because the proposed tariff does not violate Commission rules or any Missouri statute, the Commission will deny Public Counsel's motion.

IT IS ORDERED THAT:

1. The Office of the Public Counsel's Motion to Reject Tariff is denied.
2. This order shall become effective on June 22, 2008.
3. This case shall be closed on June 23, 2008.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Davis, Chm., Murray, Clayton,
Jarrett, and Gunn, CC., concur.

Jones, Senior Regulatory Law Judge

¹ See Commission Case No. TT-2007-0062

² Section 392.245.5(6), RSMo (Cum. Supp. 2007).