

Memorandum

To: Official Case File
Case No. IE-2009-0082
AT&T Missouri

Through: General Counsel

From: John Van Eschen
Telecommunications Department

Date: September 24, 2008

Subject: Request for Waivers

Southwestern Bell Telephone Company d/b/a AT&T Missouri (Company), an incumbent local exchange telecommunications company, has filed a Notice of Election of Waivers pursuant to Section 392.420, RSMo, as amended by House Bill 1779, effective August 28, 2008. The Commission Staff (Staff) has no objections to the requested waivers identified in the Company's filing. This memorandum further explains Staff's review of the filing.

Two separate sections of the new legislation, Section 392.420 and 392.245.5(8), provide the genesis for waiving various statutes and Commission rules for telecommunications companies. Both sections are slightly different in terms of the circumstances surrounding their applicability. In addition both sections have slightly different descriptions of the types of rules covered by their provisions.

Section 392.420 RSMo authorizes the Commission, in connection with the issuance or modification of a certificate or service authority, to entertain a petition to suspend or modify the application of its rules and certain statutes. This section further provides that in the case of an application for a certificate of service authority to provide basic local telecommunications service filed by an alternative local exchange telecommunications company, and for all existing alternative local exchange telecommunications companies, the Commission shall waive, at a minimum, the application and enforcement of its quality of service and billing standards rules, and certain enumerated statutes. Where an alternative local exchange telecommunications company is authorized to provide local exchange telecommunications services in an incumbent local exchange telecommunications company's territory an incumbent may opt into all or some of the statutory and commission rule waivers by filing a notice of election with the Commission.

Section 392.245.5(8) RSMo indicates an incumbent local exchange telecommunications company with classification as a competitive company and all alternative local exchange telecommunications companies shall not be required to comply with customer billing rules, network engineering and maintenance rules, and rules

Staff recommends the Commission grant to the company all of the waivers listed above and direct the Company to list these waivers in the Company's tariff. Staff has also investigated and concluded the Company is currently compliant in obligations relating to the Commission's assessment, Missouri universal service fund, Relay Missouri and the submission of an annual report.

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

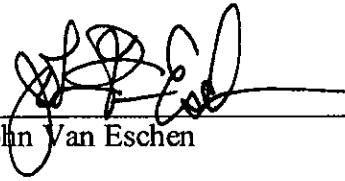
In the Matter of Notice of Election of)
Waivers of Southwestern Bell Telephone)
Company, d/b/a AT&T Missouri, Pursuant)
to Section 392.420, RSMo as amended by
HB 1779

Case No. IE-2009-0082

AFFIDAVIT OF John Van Eschen

STATE OF MISSOURI)
) ss:
COUNTY OF COLE)

John Van Eschen, employee of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that he has participated in preparing the accompanying memorandum and that the facts therein are true and correct to the best of his knowledge and belief.



John Van Eschen

Subscribed and affirmed before me this 24th day of September 2008.
I am commissioned as a notary public within the County of Callaway,
State of Missouri and my commission expires on 9-21-10



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



NOTARY PUBLIC