

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

In the Matter of the Petition for Waivers	)	
On Behalf of the AT&T Joint Petitioners,	)	
Pursuant to Section 392.420, RSMo., as	)	Case No. TO-2009-0064
Amended by HB 1779.	)	

**STAFF RECOMMENDATION**

COMES NOW the Staff of the Missouri Public Service Commission (Staff) and for its recommendation respectfully states:

1. Southwestern Bell Telephone Company d/b/a AT&T Missouri (AT&T) filed its Petition for Waivers on August 28th, 2008.
2. In the attached memorandum, which is labeled Attachment A, Staff recommends that the Commission grant AT&T the requested waivers.
3. Staff has also concluded that AT&T is not delinquent in filing annual reports with the Commission and does not owe any past due assessments. AT&T is also current with its obligations to the Deaf Relay Fund and the Missouri Universal Service Fund

**WHEREFORE**, Staff submits this recommendation for the Commission's consideration.

Respectfully submitted,

/s/ Jennifer Heintz  
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**Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 3rd day of October 2008.

**/S/ JENNIFER HEINTZ**

## Memorandum

To: Official Case File  
Case No. TO-2009-0064  
AT&T Communications of the Southwest, Inc., TCG Kansas City, Inc.  
and TCG St. Louis

Through: General Counsel

From: John Van Eschen  
Telecommunications Department

Date: October 2, 2008

Subject: Request for Waivers

AT&T Communications of the Southwest, Inc., TCG Kansas City, Inc. and TCG St. Louis (Company), all competitively classified local exchange telecommunications companies, have filed a Petition for 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.

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.

In support of its filing, the Company states they are each an "alternative local exchange telecommunications company" and Section 392.420 directs the Commission to waive, at a minimum, the application and enforcement of its quality of service and billing standards rules as well as the indicated statutes. Prior separate tariff filings by each company sought waivers of the Commission's quality of service and billing standards rules. This petition solely seeks waivers of the following enumerated statutes identified in Section 392.420 RSMo:

<b>Missouri Statutes</b>	<b>Brief description of Commission's authority</b>
392.210(2)	Prescribe a system of accounts
392.240(1)	Determine reasonableness of rates
392.270	Determine valuation of property
392.280	Determine depreciation rates/accounts
392.290	Establish regulations regarding issuance of stocks, bonds and other indebtedness
392.300	Transfer of property and ownership of stock
392.310	Approval of issuing stocks, bonds and other indebtedness
392.320	Certificate of Commission to be recorded—stock dividends
392.330	Account for disposition of proceeds of all sales of stocks, bonds, notes and other indebtedness
392.340	Reorganization

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.

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**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 2<sup>nd</sup> day of October 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

  
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NOTARY PUBLIC