

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,	)	<u>Case No. TO-2009-0064</u>
Pursuant to Section 392.420, RSMo., as	)	
Amended by HB 1779	)	

ORDER CONCERNING REQUEST FOR WAIVERS

Issue Date: November 6, 2008

Effective Date: November 6, 2008

On August 28, 2008, House Bill 1779 became effective, modifying §392.420 RSMo 2000, so that it now provides, in pertinent part:

[F]or 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, as well as the provisions of subsection 2 of section 392.210, subsection 1 of section 392.240, and sections 392.270, 392.280, 392.290, 392.300, 392.310, 392.320, 392.330, and 392.340.

On August 28, 2008, AT&T Communications of the Southwest, Inc.; TCG Kansas City, INC and TCG St. Louis (the Companies) jointly filed a request with the Missouri Public Service Commission ("Commission") that Commission waive certain rules and statutory provisions pursuant to RSMo Section 392.420. (The Companies also submitted tariff sheets listing the waivers of certain quality of service and billing standards rules. The tariff sheets became effective September 27, 2008.¹)

¹ See: **AT&T Communications of the Southwest** - JX-2009-0164 (local exchange services tariff); JC-2009-0165 (Custom Network Service tariff); JX-2009-0166 (Private Line Services tariff-Schedule 9) JX-2009-0167 (Private Line Services tariff-Schedule 11); JX-2009-0168 (Message Telecommunications Service tariff); **TCG Kansas City:** JC-2009-0169; **TCG St. Louis:** JC-2009-0170

On October 3, 2008, the Commission Staff submitted its memorandum concerning the request. It noted that:

1. The Companies are alternative local exchange telecommunications companies as that term is used in Section 392.420.

2. The Companies are currently compliant in obligations relating to Commission assessment, Missouri Universal Service Fund, Relay Missouri, and the submission of an annual report.

The waivers requested by the Companies are:

392.210(2) Accounting requirements (system of accounts)
392.240(1) Reasonableness of rates
392.270 Accounting requirements (valuation of property)
392.280 Accounting requirements (depreciation rates/accounts)
392.290 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 Accounting requirements (proceeds of sales of stock, bonds, notes, etc.)
392.340 Company reorganization

The Staff recommends that the Commission grant the Companies' requested waivers and direct the Companies to list these waivers in the Companies' tariffs.

THE COMMISSION ORDERS THAT:

1. The Companies' Request for Waiver of the above-listed provisions is granted.

2. The Companies are directed to list the granted waivers in their tariffs.

3. This order is effective upon issuance, after which this case may be closed.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written in a cursive style.

Colleen M. Dale
Secretary

(S E A L)

Colleen M. Dale, Chief Regulatory Law
Judge, by delegation of authority pursuant
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
On this 6th day of November, 2008.