

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service Commission held at its office in Jefferson City on the 19th day of September, 2006.

In the Matter of the Review of the Competitive )  
Classification of the Exchanges of Southwestern ) **Case No. TO-2007-0053**  
Bell Telephone, L.P., d/b/a AT&T Missouri. )

**ORDER DENYING REQUEST FOR LOCAL PUBLIC HEARINGS,  
GRANTING REQUEST FOR EVIDENTIARY HEARING,  
AND SETTING PROCEDURAL CONFERENCE**

Issue Date: September 19, 2006

Effective Date: September 19, 2006

On August 8, 2006, the Staff of the Missouri Public Service Commission filed its report regarding the review of competitive classification of the exchanges of Southwestern Bell Telephone, L.P., d/b/a AT&T Missouri, pursuant to Section 392.245.5, RSMo Cum. Supp. 2005. On August 18, 2006, the Office of the Public Counsel filed both a request for local public hearings and a request for an evidentiary hearing. AT&T objects to the request for local public hearings.

Public Counsel requests local public hearings so that the Commission may take comments:

concerning the impact that the reclassification of exchanges has had on quality of service, response to customer problems, billing and collection matters, the ability to contact AT&T by telephone via the advertised customer service numbers in a reasonable time, the ability to have corrective action taken with their service or billing problem in a timely manner, availability of advanced services in the exchange, price for service, and the investment the company has made in the

exchanges and the purpose of that investment, as well as other issues that competition was suppose (sic) to address.

AT&T argues that Public Counsel's request is beyond the scope of the statute requiring review.

Paragraph (6) of Subsection 392.245.5, RSMo, states that with regard to exchanges that are classified as competitive, "[t]he commission shall . . . review those exchanges . . . to determine if **the conditions of this subsection** for competitive classification continue to exist in the exchange."<sup>1</sup> The conditions for competitive classification of both business and residential services are set out in Section 392.245.5 as "at least two non-affiliated entities . . . providing basic local telecommunications service to . . . customers within the exchange."

At this time there are no specific facts alleged by Public Counsel or any indication in Staff's report that convince the Commission that public hearings are necessary to determine if the competitive conditions still exist. Therefore, Public Counsel's request for local public hearings shall be denied. The Commission shall grant Public Counsel's request for an evidentiary hearing, and to further review AT&T Missouri's competitive classification. In order to facilitate the procedural schedule, the Commission shall set a procedural conference as set out below.

**IT IS ORDERED THAT:**

1. The Office of the Public Counsel's request for local public hearings is denied.

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<sup>1</sup> Emphasis added.

2. The Office of the Public Counsel's request for an evidentiary hearing is granted.

3. The parties shall appear at a scheduling conference on September 28, 2006, at 10:00 a.m. in Room 305 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. The Governor Office Building meets accessibility standards required by the Americans with Disabilities Act. Anyone needing additional accommodations to participate in the scheduling conference is asked to call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 prior to the conference.

4. This order shall become effective on September 19, 2006.

**BY THE COMMISSION**



Colleen M. Dale  
Secretary

( S E A L )

Davis, Chm., Murray and Appling, CC., concur.  
Gaw and Clayton, CC., dissent.

Dippell, Deputy Chief Regulatory Law Judge