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August 24, 1999

FILED

AUG 24 1999

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65101

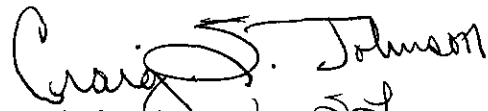
Missouri Public
Service Commission

Re: Case No. TO-2000-16

Dear Judge Roberts:

Enclosed please find the original and fourteen (14) copies to the Mid-Missouri Group's additional comments and response to the Motion for Reconsideration of AT&T. Thanks for seeing this filed. A copy of this letter and copies of the enclosed are being served upon all attorneys of record.

Sincerely yours,


Craig S. Johnson

Enclosure

cc: Mid-Missouri Group Managers
Attorneys of Record

CSJ:gmm

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P.S. Mid-Missouri Group Managers:

Enclosed please find comments we have filed, as well as a copy of an August 23rd
Motion for Reconsideration of AT&T.

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

FILED³
AUG 24 1999

Missouri Public
Service Commission

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AUG 24 1999

Missouri Public
Service Commission

In the matter of the Motion to)
Establish a Docket Investigating)
The intraLATA Toll Service)
Provisioning Practices of Missouri)
Interexchange Carriers, Public)
Utility or Common Carrier Duties)
Of Interexchange Carriers, Motion)
To Show Cause, Request for)
Emergency Hearing, and Alternate)
Petition for Suspension and)
Modification.)

Case No. TO-2000-16

COMMENTS OF THE MID-MISSOURI GROUP

Pursuant to the Commission's August 10th Order, and in response to the August 23 Motion for Reconsideration of AT&T, the Mid-Missouri Group submits the following comments.

Public Utility or Common Carrier

Whether AT&T is a public utility or common carrier is simply a semantical dispute. The MMG apologizes to the extent its earlier participation in TO-99-254 or in this docket have placed undue attention on the label of common carrier or public utility status.

The issues raised here deal with what obligation an IXC has to provide service, and the steps an IXC must take to refuse or withdraw service. The MMG believes that IXCs, as regulated carriers offering tariffed services, have service obligations that go beyond merely deciding, in the offices of customer service representatives, what services will be offered to what customers in what locations. The MMG asks the Commission to

specifically determine in what locations and to what customers an IXC is obligated to provide service. The MMG asks the Commission to determine what steps an IXC must take in order to refuse service to customers, either by exchange location or to individual customers.

This is an important issue. All carriers, customers, and OPC should know what steps have to be taken to exit a market where service has been provided. The industry should know if IXCs can simply refuse to continue to provide a service, whether they can provide select pricing plans in some areas where facilities are available but not to others. Can AT&T refuse to provide service in contravention to Commission Order, simply because it changed its business plan ?

If AT&T wants to stop providing service in SC exchanges, what steps should be taken ? If AT&T wants to withdraw a service from a paying customer, can it unilaterally do so ? (Recently, MoKan Dial received information indicating an IXC obtained customers from the July 20 ballot, provided them 1+ service for a few weeks, changed its mind, and just "turned off" the customer in the IXC switch. All of a sudden the customers could not place 1+ calls, and the IXC representatives have reportedly attempted to place the blame with the ILEC, MoKan Dial).

The obligation to serve that comes with PSC certification, tariff approval, and service approval is not in and of itself a barrier to exit. However, if IXCs can do what AT&T is now attempting in Missouri, they will be subject to no control. The MMG continues to believe that certification and tariff approval impose obligations upon IXCs to provide service to all customers similarly situated.

IntraLATA toll service is not different based upon the method of dialing

For years AT&T has clamored for 1+ dialing parity. It did not want customers to have to dial 10-10-288 in order to reach AT&T for intraLATA toll service. Now that 1+ dialing is available, in its ex parte letters to the Commission AT&T is saying it will not provide 1+ in SC exchanges. Instead AT&T says it will only provide casual dialing. This is despite ILPs and customer notices, ordered by this Commission, that stated AT&T would provide 1+ intraLATA toll service if requested.

In its Motion for Reconsideration, AT&T attempts to distinguish between 1+ intraLATA toll and "casually dialed" intraLATA toll. It appears to the MMG that this is an attempted distinction without substance. Recently AT&T has told SCs that their customers could receive, on a casual call basis, the same premium services AT&T is making available to residents in the exchanges of SWB, GTE, and Sprint/United on a 1+ basis. The service is the same, only the manner of dialing appears to be different.

IntraLATA toll is the service in question. If dialed 1+ or with carrier prefix., the customer is still being provided intraLATA toll service. AT&T's attempt to distinguish 1+ intraLATA toll service from 10-10-288 intraLATA toll service should be evaluated very carefully. AT&T has demonstrated no financial reason not to provide service in SC exchanges, its just that they want rural customers to dial more digits.

AT&T "mistake" not corrected

In its July 20 response, AT&T indicates its customer service representatives may have advised customers of AT&T 1+ availability "in error", that steps have been taken to educate its representatives, and these isolated events do not warrant an investigation. The MMG is not as convinced that customers are receiving accurate information. Since July

20, there have been instances where customers continue to be told AT&T will be a 1+ provider. Other customers have been told AT&T will not provide intraLATA (local toll) service at all, as AT&T was not offering local toll service. They are not being told service will be available on a 10-10-288 basis.

On August 10, Mid Missouri requested AT&T to correctly populate the jurisdictional indicator on PIC change requests. To date there has been no response. AT&T appears to be interested in maintaining confusion, and in maintaining control over the confusion by continuing to use PIC change forms that do not conform to industry standards, and which do not conform to the Commission-approved ILP forms.

AT&T claims it only has data for incorrect information AT&T accepted in error. The MMG is aware that AT&T has informed many more customers it will provide 1+ service than it has "accepted in error". Because many of these communications occurred directly between customers and AT&T service representatives, the MMG is concerned AT&T will attempt to under-report the number of customers who have been told AT&T will provide them service. The Commission should insist that AT&T provide whatever notes and documentation that exists from customer-CSR contacts, not just the "data" that AT&T maintains for customers "accepted in error".

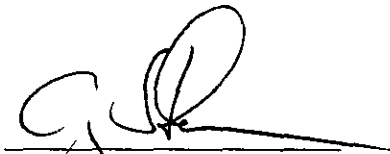
In short customers are still not being told whether AT&T will serve, and what services they can have from AT&T. AT&T apparently is unwilling to correctly use industry forms for PIC changes. It is not apparent at all that AT&T is acting "accurately" at all.

Procedural Requests of AT&T

The MMG has no objection to expanding the scope of this investigation to include the business practices of other IXCs beyond AT&T. Such an inquiry will provide more meaningful determination of the issues raised in this proceeding. The MMG does object to and disagree with AT&T's proposal to "treat the issues by briefs and oral arguments". First of all such a proposal is inconsistent with AT&T's request to expand the investigation to other IXCs. Second of all, such a limitation would preclude Commission receipt and consideration of the facts pertinent to AT&T's practices since the June 22 Report and Order, and receipt and consideration of the facts necessary to determine the obligations of IXCs to serve locations and customers, as well as what steps must be taken in order to withdraw service to locations and customers. A "discussion" between AT&T and Staff is not considered adequate.

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By:




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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was mailed, U. S. Mail, postage pre-paid, this 24 day of August, 1999, to all attorneys of record.



Craig S. Johnson