

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

In the Matter of the Petition for Waivers of)
Certain Rules and Statutes On Behalf of SBC)
Long Distance, LLC d/b/a AT&T Long)
Distance, SNET America, Inc. d/b/a AT&T)
Long Distance East and BellSouth Long)
Distance, Inc. d/b/a AT&T Long Distance)
Service)

Case No. XE-2009-0308

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission (Staff), by and through counsel, and for its recommendation states the following:

1. On February 27, 2009, SBC Long Distance, LLC d/b/a AT&T Long Distance, SNET America, Inc. d/b/a AT&T Long Distance East and BellSouth Long Distance, Inc. d/b/a Long Distance Service (collectively referred to as the Petitioners) filed a petition for waivers, pursuant to Sections 392.185, 392.361.5 and 392.420 RSMo (2000)¹. The Petitioners also submitted revised tariff sheets in conjunction with the petition. The revised sheets bear a proposed effective date of March 29, 2009.

2. On March 5, 2009, in its *Order Directing Filing of Staff Recommendation*, the Commission directed Staff to file its recommendation no later than March 16, 2009.

3. On March 6, 2009, Staff filed its *Motion for Extension of Time to File Recommendation*. In an order effective that same day, the Commission issued its *Order Granting Motion to Extend Filing Deadline*, ordering that Staff's recommendation be filed no later than March 18, 2009.

¹ All references to statutory authority refer to the Missouri Revised Statutes (2000), as currently supplemented.

4. Pursuant to Section 392.420, as amended by House Bill 1779, the Commission is authorized “to entertain a petition to suspend or modify the application of its rules or the application of any statutory provision contained in sections 392.200 to 392.340 if such waiver or modification is otherwise consistent with the other provisions of sections 392.361 to 392.520 and the purposes of this chapter.”

5. In the attached Memorandum, labeled Appendix A, Staff states that the waiver of the requested statutory and Commission rule provisions is consistent with the other provisions of Sections 392.361 to 392.520 and the purposes of Chapter 392.

6. Staff notes that the waivers are the same as those previously granted by the Commission to other carriers.

7. Petitioners have no overdue annual reports or regulatory assessment fees.

WHEREFORE, Staff recommends the Commission approve the requested waivers and the revised tariff sheets.

Respectfully submitted,

/s/ Eric Dearmont

Eric Dearmont

Assistant General Counsel

Missouri Bar No. 60892

Attorney for the Staff of the
Missouri Public Service Commission

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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 18th day of March, 2009.

/s/ Eric Dearmont

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

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Case No. XE-2009-0308

AFFIDAVIT OF William Voight

STATE OF MISSOURI)
) ss:
COUNTY OF COLE)

William Voight, 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 Staff Recommendation, and that the facts therein are true and correct to the best of his/her knowledge and belief.

Bill Voight

WILLIAM VOIGHT

Subscribed and affirmed before me this 18th day of March 2009 .



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

Susan L. Sundermeyer

NOTARY PUBLIC

M E M O R A N D U M

To: Missouri Public Service Commission Official Case File
Case Numbers XE-2009-0308
Tariff File Numbers JX-2009-0617; JX-2009-0618;
JX-2009-0619; JX-2009-0620; JX-2009-0621

From: William Voight

Subject: Staff Recommendation to Approve AT&T's Request for Waivers

Date: March 17, 2009

On February 27, 2009, SBC Long Distance, LLC, d/b/a AT&T Long Distance; SNET America, Inc. d/b/a AT&T Long Distance East; and Bell South Long Distance, Inc. d/b/a AT&T Long Distance Service, (Company or AT&T) filed Petitions and accompanying tariff sheets to exempt the various companies from certain statutory requirements and Commission rules. The requested waivers and a brief description of each are as follows:

Commission Rules (4 CSR 240-)	Brief Description
3.550 (4) and (5)(A)	Held order records, Quality of service reports.
32.060	Engineering and maintenance
32.070	Quality of Service
32.080	Service objectives and surveillance levels
33.040(1) through (3) and (5) through (10)	Billing and payment standards
33.045	Clear identification and placement of charges on bills
33.080(1)	Clearly identify company name & toll free number on bill
33.130(1), (4) and (5)	Operator service billing-related requirements

Missouri Statutes	Brief description of Commission's authority
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

AT&T requests the Commission grant the waivers pursuant to changes enacted by the Missouri legislature in House Bill 1779, effective August 2008. The Telecommunications Department Staff (Staff) wishes to note that the waivers are the same as those previously granted by the Commission to other carriers.

Under section 392.420 the Commission may approve these waivers “if such waiver or modification is otherwise consistent with the other provisions of sections 392.361 to 392.520 and the purposes of this chapter.”

The Staff recommends that because the requested waivers of the above-listed statutory and Commission rule provisions are consistent with the other provisions of sections 392.361 to 392.520 and the purposes of Chapter 392, that the Commission approve the request at its earliest convenience, and permit the tariff sheets to go into effect by operation of law.

The Staff is unaware of any other matter that may affect the matters in this case.