

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

In the Matter of the Application of tw telecom                    )  
of kansas city llc for Partial Waiver of                            ) **File No. CE-2010-0077**  
Commission Rule § CSR 240-32.050(4)(B)                            )

**STAFF RECOMMENDATION**

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

1. On September 1, 2009, tw telecom of kansas city llc (TWTC) filed an application with the Missouri Public Service Commission requesting a waiver of 4 CSR 240-32.050(4)(B), which requires the company to furnish telephone directories to customers. TWTC requests a waiver similar to that granted other competitive telecommunications companies, differing in that TWTC's customers would call AT&T Missouri's dedicated toll-free number rather than contacting TWTC to request that directory. TWTC also requests that the Commission establish a procedure so that all CLECs operating in AT&T Missouri's St. Louis, Kansas City, and Springfield MCAs could be granted this same partial waiver of the rule.

2. Rule 4 CSR 240-32.010 provides that a temporary or permanent exemption from any rule in that chapter may be granted upon good cause shown. The Commission has found it proper to allow carriers in certain instances to deliver white page residential directories only upon request; the reasons supporting those exemptions apply equally in this matter. As the attached Staff recommendation notes, the Staff has no objection to extending the exemption to TWTC.

3. The Staff also supports extension of the exemption to all other telecommunications companies who serve customers in the areas in which AT&T Missouri's residential white page directories are delivered only upon request.

WHEREFORE, the Staff recommends that the Commission grant the Company the partial exemption requested in its Petition and include in its Order language that extends the exemption to other similarly situated telecommunications companies, to wit:

All competitive local exchange carriers operating in the St. Louis and Kansas City metropolitan areas are given a partial exemption from 4 CSR-

32.040 (4) (B), and such companies are given the option of instructing their end-user customers to (a) contact the customer's local exchange company for a copy of the directory (who will in turn forward the request to AT&T); or (b) contact AT&T directly for a copy of the directory.

Respectfully submitted,



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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 28<sup>th</sup> day of September, 2009.



# MEMORANDUM

To: Missouri Public Service Commission Official Case File  
Case No. CE-2010-0077  
TW Telecom of Kansas City, LLC.

From: William Voight  
Telecommunications Department

Subject: Staff Recommendation to Grant Waiver and Extend Blanket Waiver to all  
Local Exchange Carriers serving Customers in Metropolitan areas.

Date: September 22, 2009

On September 1, 2009, TW Telecom of Kansas City, LLC. (Time Warner) filed an application requesting a waiver of 4 CSR-32.050(4) (B). This rule requires local exchange carriers such as Time Warner to deliver a paper copy of the residential white page telephone directory to its customers.

Time Warner's application also requests the Commission permit Time Warner to notify its customers that they (end-user customers) should contact AT&T directly to receive copies of the metropolitan white pages telephone directory. The Telecommunication Department Staff (Staff) notes that the stipulation and agreement in Case No. IE-2009-0357 requires AT&T to provide directories to other local exchange carrier customers in the same manner it provides directories to its own customers.

Lastly, Time Warner also requests that the Commission "grant a blanket waiver" or "establish a procedure" so that "all CLECs" operating in the metropolitan areas could be granted the same partial waiver as Time Warner. Time Warner also suggests that each competitive local exchange carrier be permitted the option of having customers contact either the competitor or AT&T directly to receive a copy of the directory.

The Staff has no objections to Time Warner's requests. Staff recommends the Commission grant Time Warner's partial waiver request as well as its request for a similar blanket waiver to all competitive local exchange carriers operating in the St. Louis and Kansas City metropolitan areas. Further, the waiver should permit the competitive companies the option of instructing end-user customers to contact AT&T directly to obtain a directory.

Specifically, the Staff recommends the Commission's Order explicitly state that (1) all competitive local exchange carriers operating in the St. Louis and Kansas City metropolitan areas are given a waiver of 4 CSR-32.040 (4) (B), and that such companies are further given the option of instructing its end-user customers to (a) contact the customer's local exchange company for a copy of the directory (who will in turn forward the request to AT&T); or (b) contact AT&T directly for a copy of the directory.

The Staff is unaware of any other matter that affects, or that may be affected by, this matter.

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OF THE STATE OF MISSOURI

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Case No. CE-2010-0077

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 knowledge and belief.



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WILLIAM VOIGHT

Subscribed and affirmed before me this 22nd day of September 2009

  
NOTARY PUBLIC

