

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

In the Matter of Southwestern Bell Telephone	)	
Company, d/b/a AT&T Missouri's Application	)	
for Waiver of the General Distribution	)	Case No. IE-2009-0357
Requirement of White Page Directories Under	)	
4 CSR 240-32.050(4)(B).	)	

**STIPULATION AND AGREEMENT**

AT&T Missouri,<sup>1</sup> Staff of the Missouri Public Service Commission (“Staff”), the Office of the Public Counsel (“Public Counsel”) and Charter Fiberlink - Missouri, LLC (“Charter”) (collectively, the “Parties”) pursuant to 4 CSR 240-2.115, respectfully submit the following Stipulation and Agreement. If approved by the Missouri Public Service Commission (“Commission”), the Stipulation and Agreement will resolve all issues pertaining to AT&T Missouri’s request to waive the telephone directory delivery requirement of Rule 4 CSR 240-32.050(4)(B), and will also result in the granting of a waiver to the same extent for Charter. The waiver is conditioned on AT&T Missouri providing a paper copy of the residential white page telephone directory to households and businesses in its service territory only upon request and at no charge.

In this proceeding, AT&T Missouri simply seeks the option to cease the mass automatic distribution of printed residential white page directories to all households and businesses in its service territories, and instead seeks to provide them only if the customer requests a printed copy with mailed or other delivery at no charge to the customer.

---

<sup>1</sup> Southwestern Bell Telephone Company, d/b/a AT&T Missouri, will be referred to in this pleading as “AT&T Missouri.”

## **The Commission's Telephone Directory Distribution Rule**

1. Rule 4 CSR 240-32.050(4)(B) requires a company furnishing basic local telecommunications service to distribute telephone directories to its customers:

Each company furnishing basic local telecommunications service shall publish or contract to publish telephone directories at regular intervals and shall provide or contract to provide directory assistance as follows:

...  
(B) Upon issuance, a copy of the applicable directory shall be distributed by the basic local telecommunications company to its customers served by that directory and two (2) copies of such directories shall be furnished to the commission and one (1) copy to the Office of the Public Counsel;

### **AT&T Missouri's Commitments**

2. AT&T Missouri has sought a state-wide waiver of the telephone directory delivery requirement contained in 4 CSR 240-32.050(4)(B) in order to have the option to provide a paper copy of the residential white page telephone directory only upon request and at no charge. AT&T Missouri, however, has agreed to limit the scope of its requested waiver to households and businesses in its Metropolitan Calling Area service territories in Kansas City, Springfield and St. Louis, Missouri (the "MCA").

3. AT&T Missouri agrees that it will initially implement its new method of providing residential white page directories in the St. Louis and Kansas City markets as follows:

- Delivery of the respective AT&T Real Yellow Pages directory to all households and businesses within its service territory in the MCA.

- The Yellow Pages directories will contain the business white page listings, the Government listings, the customer guide information and other information required under the Commission’s Rules.<sup>2</sup>
  - On the first delivery cycle of any white pages directory impacted by this change, a ride-along communication piece will be provided in the delivery bag with the business white pages and the AT&T Real Yellow Pages explaining the options available for requesting and accessing free residential white pages listings, specifically informing customers they can receive a printed white pages directory containing residential listings by calling a dedicated toll-free 800 number.
  - The requested white pages directories will be provided (e.g., mailed) at no charge to any household or business within AT&T Missouri’s service territory in the respective MCA<sup>3</sup>.
  - A description of the new plan for distributing residential white page directories and the options by which customers could acquire and access directory content, including the dedicated toll-free number to request a free printed copy of the residential white pages listings will be prominently placed in two locations in the directories: (1) in the customer call guide in the front section of the AT&T Real Yellow Pages directory and (2) on a stiff tab insert in the AT&T Real Yellow Pages directory.
  - AT&T Missouri will work with the media in affected markets to help educate customers about the change and how they can request a directory if desired.
  - To the extent AT&T Missouri may wish to discontinue automatic distribution of its white pages directories in other areas of Missouri which are not a part of the MCA, AT&T Missouri will seek an additional waiver(s) for such area(s).
4. AT&T Missouri agrees to provide its customers with the ability to choose how

they access and use white pages listing information by providing this information in multiple

---

<sup>2</sup>Rule 240-32.050(4) requires telephone directories, in addition to “the names of all customers, their most definitive addresses, if available, and their telephone numbers,” to include:

(C) The name of the company, an indication of the area included in the directory and the month and year of issue shall be displayed prominently on the outside, front cover of each directory. Information pertaining to emergency calls (police, fire, etc.) and location of the company’s public business office or related toll-free number shall appear conspicuously in the front part of the directory pages;

(D) The directory shall contain instructions for utilizing the Telecommunications Relay Service, and for placing local and long distance calls, calls for repairs and directory assistance and calls to the company’s business office appropriate to the area served by the directory. The directory shall also include the address and telephone number of the Public Service Commission and its consumer services department, and the address and telephone number of the Office of the Public Counsel;

<sup>3</sup> This includes households and businesses who are not AT&T Missouri telephone customers (e.g., wireless only customers, CLEC customers, etc.).

formats. Where AT&T Missouri's proposal is implemented, AT&T Missouri agrees to make residential listing information available to consumers across these multiple platforms:

[www.realpageslive.com](http://www.realpageslive.com)

[www.yellowpages.com](http://www.yellowpages.com)

Print copy (upon request)

5. AT&T's directory website, [www.RealPagesLive.com](http://www.RealPagesLive.com), will provide online access to directory information in the traditional directory format, with the same look and feel of the printed directory, but with capabilities not possible with a printed version, such as adjusting the size of the font or performing electronic searches. In addition, customers will be able to access their local directory from any location where they can establish an Internet connection. All of the existing directory information will be located on this site, including residential white pages listings, business white pages listings, government listings and the Customer Guide, which contains the information required by Commission Rules. This website will also include access to the AT&T Real Yellow Pages and every AT&T directory in 21 states, providing customers with access to more directory information than they currently receive.

6. AT&T Missouri agrees that the Commission's grant of the requested waiver will have no impact on the service AT&T Missouri provides to customers with nonlisted or nonpublished directory information. Customers with nonlisted service will continue to have their directory information excluded from the printed and electronic white pages telephone directory. Customers with nonpublished service will continue to have their directory information excluded from the printed and electronic white pages telephone directory, as well as from AT&T Missouri Directory Assistance ("DA") service and from the data AT&T is required to make available to other DA providers.

7. AT&T Missouri agrees that its requested waiver deals only with the method of delivering white pages residential directories. AT&T employees represented by the CWA are not and have not been involved in the printing of the book or in its door-to-door delivery. Rather, that work is performed by outside vendors. While CWA employees are involved in preparing the residential white page telephone directories for release to the printer, that work will still need to be performed because AT&T Missouri plans to continue producing white page residential telephone directories.

8. AT&T Missouri agrees that the Commission's grant of the requested waiver will have no impact on the arrangement under which AT&T Missouri currently provides printed residential white page directories to the independent local exchange telephone companies that provide telephone service within the MCAs.

9. AT&T Missouri agrees to use the same process to provide printed residential white page directories for CLEC customers residing within AT&T Missouri's service territory as it will use for its own customers; provided, further, that notwithstanding anything to the contrary in this Stipulation and Agreement, AT&T Missouri agrees that those customers in the MCA identified by Charter in an electronic file (or files) as requesting printed residential white pages directories will receive such directories at no charge to the customers or Charter. Such electronic file (or files) will be sent by Charter to AT&T on a mutually-agreed upon basis.

10. AT&T Missouri agrees that customers (regardless of their service provider) who contact it, or its agent, for copies of its printed residential white pages directories at telephone numbers established by AT&T to furnish printed copies of the residential white pages, including the toll-free number referenced in paragraph 3 herein, will not be subjected to marketing or sales information or efforts of any kind, other than those for AT&T branded directories.

### **Charter's Commitments**

11. Charter agrees to advise its customers in the MCA that they will not receive printed residential white page directories unless they call Charter's toll-free number(s) or use Charter's web site to request delivery of printed white page directories. Charter will forward to AT&T an electronic file (or files) identifying those customers who request to receive printed residential white page directories.

### **Public Interest Representations**

12. The Parties agree that with the conditions contained in this Stipulation and Agreement, the Commission should issue an order granting AT&T Missouri a limited waiver of Rule 4 CSR 240-32.050(4)(B), insofar as it relates to white pages delivery to the MCA areas of Missouri, relieving it of the general telephone directory delivery requirement contained in 4 CSR 240-32.050(4)(B). This waiver is conditioned upon AT&T Missouri providing a paper copy of the residential white page telephone directory to households and businesses in its service territory only upon request and at no charge. AT&T Missouri will still be required to furnish two (2) copies of such directories to the Commission and one (1) copy to the Office of the Public Counsel without request, pursuant to Rule 4 CSR 240-32.050(4)(B). The Parties also agree that the Commission in the same order should grant Charter a limited waiver of Rule 4 CSR 240-32.050(4)(B), insofar as it relates to white pages delivery to the MCA areas of Missouri, relieving it of the general telephone directory delivery requirement contained in 4 CSR 240-32.050(4)(B). AT&T Missouri's waiver is conditioned upon AT&T Missouri providing a paper copy of the residential white page telephone directory to Charter's households and businesses in its AT&T's service territory, as aforesaid, at no charge to Charter's customers or to Charter.

13. The parties do not oppose the Commission granting other CLECs similar relief as granted to Charter in this case.

**Contingent Waiver of Rights**

14. The Parties agree that this Stipulation and Agreement has been entered into to avoid litigation and resolves all claims and issues relating to AT&T Missouri's request, as limited herein, to waive only within the MCA areas the general telephone directory delivery requirement of Rule 4 CSR 240-32.050(4)(B) and for the option of providing a paper copy of the residential white page telephone directory to households and businesses in its MCA service territories only upon request and at no charge. The signatories represent that the terms of this Stipulation and Agreement constitute a fair and reasonable resolution of the issues addressed herein, in a manner which is not detrimental to the public interest. None of the Parties to this Stipulation shall have been deemed to have approved, agreed, consented or acquiesced to any accounting principle, ratemaking principle or cost of service determination underlying, or supposed to underlie, any of the issues provided for herein.

15. This Stipulation and Agreement has resulted from extensive negotiations among the signatories and the terms hereof are interdependent. In the event the Commission does not unconditionally approve this Stipulation and Agreement or approves the Stipulation and Agreement with modifications or conditions that a Party to the Stipulation and Agreement objects to, then the Stipulation and Agreement shall be void and no signatory shall be bound by any of the agreements or provisions in the Stipulation and Agreement. The Stipulations herein are specific to the resolution of the claims and issues described in this Stipulation and Agreement, and all stipulations are made without prejudice to the rights of the Parties to take

other positions in other unrelated proceedings. Further, the Stipulation herein shall not be admissible in any other legal proceeding unless it directly relates to and arises from this case.

16. In the event the Commission accepts the specific terms of this Stipulation and Agreement, the Parties waive, with respect to the issues resolved in the Stipulation and Agreement: their respective rights pursuant to Section 536.070.2 (RSMo 2000) to call, examine and cross-examine witnesses; their respective rights to present oral argument or written briefs pursuant to Section 536.080.1 (RSMo 2000); their respective rights to the reading of the transcript by the Commission pursuant to Section 536.080.2 (RSMo 2000); their respective rights to seek rehearing pursuant to Section 386.500 (RSMo 2000); and their respective rights to judicial review pursuant to Section 386.510 (RSMo 2000).

17. The Staff shall also have the right to provide, at any agenda meeting at which this Stipulation and Agreement is noticed to be considered by the Commission, whatever oral explanation the Commission requests, provided that Staff shall, to the extent reasonably practicable, provide the other Parties with advance notice of when the Staff shall respond to the Commission's request for such explanation once such explanation is required from Staff. Staff's oral explanation shall be subject to public disclosure, except to the extent it refers to matters that are privileged or protected from disclosure.

18. If the Commission so requests, the Staff shall file suggestions or a memorandum in support of this Stipulation. Each of the other Parties shall be served with a copy of any such suggestions or memorandum and shall be entitled to submit to the Commission, within five (5) days of receipt of Staff's suggestions or memorandum, responsive suggestions or a responsive memorandum which shall also be served on all Parties. The contents of any memorandum




provided by any Party are its own and not acquiesced in or otherwise adopted by the other Parties to the Stipulation, whether or not the Commission approves and adopts this Stipulation.

WHEREFORE, the Parties respectfully request that the Commission issue its order approving and adopting this Stipulation and Agreement.

Respectfully submitted,

**Southwestern Bell Telephone Company, d/b/a  
AT&T Missouri**

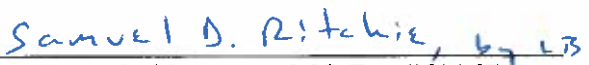
BY

  
Timothy P. Leahy MO Bar #36197  
Leo J. Bub MO Bar #34326  
Robert J. Gryzmala MO Bar #32454

Attorneys for AT&T Missouri  
One AT&T Center, Room 3518  
St. Louis, Missouri 63101  
314-235-2508 (Telephone)/314-247-0014(Fax)  
[leo.bub@att.com](mailto:leo.bub@att.com)

**Missouri Public Service Commission Staff**

BY

  
Samuel D. Ritchie MO Bar #61167 <sup>pen</sup>  
Attorney for the Staff of the Missouri Public <sup>authoriz</sup>  
Service Commission  
PO Box 360  
Jefferson City, Missouri 65102  
573-751-4140(Telephone)/573-751-9285 (Fax)  
[samuel.ritchie@psc.mo.gov](mailto:samuel.ritchie@psc.mo.gov)

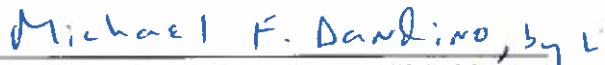
**Charter Fiberlink - Missouri, LLC  
By Charter Communications, Inc., its Manager**

BY

Carrie L. Cox  
Attorneys for Charter Fiberlink - Missouri, LLC  
12405 Powerscourt Drive  
St. Louis, MO 63131  
314-543-2567 (Telephone)/314-965-6640 (Fax)  
[carrie.cox@chartercom.com](mailto:carrie.cox@chartercom.com)

**Office Of The Public Counsel**

BY

  
Michael F. Dandino MO Bar #24590 <sup>pen</sup>  
Attorney for the Office of the Public Counsel <sup>authoriz</sup>  
P.O. Box 2230  
Jefferson City, Missouri 65102  
573-751-4857 (Telephone)/573-751-5562 (Fax)  
[opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov)  
[mike.dandino@ded.mo.gov](mailto:mike.dandino@ded.mo.gov)

BY

Kennard B. Woods MO Bar #27977  
Attorneys for Charter Fiberlink - Missouri, LLC  
Friend, Hudak & Harris, LLP  
Three Ravinia Drive, Site 1450  
Atlanta, GA 30346  
770-399-9500 (Telephone)/770-395-0000 (Fax)  
[kwoods@fh2.com](mailto:kwoods@fh2.com)

provided by any Party are its own and not acquiesced in or otherwise adopted by the other Parties to the Stipulation, whether or not the Commission approves and adopts this Stipulation.

WHEREFORE, the Parties respectfully request that the Commission issue its order approving and adopting this Stipulation and Agreement.

Respectfully submitted,

**Southwestern Bell Telephone Company, d/b/a  
AT&T Missouri**

BY \_\_\_\_\_

Timothy P. Leahy            MO Bar #36197  
Leo J. Bub                    MO Bar #34326  
Robert J. Gryzmala        MO Bar #32454

Attorneys for AT&T Missouri  
One AT&T Center, Room 3518  
St. Louis, Missouri 63101  
314-235-2508 (Telephone)/314-247-0014(Fax)  
[leo.bub@att.com](mailto:leo.bub@att.com)

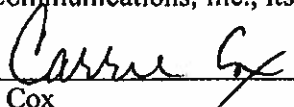
**Missouri Public Service Commission Staff**

BY \_\_\_\_\_

Samuel D. Ritchie        MO Bar #61167  
Attorney for the Staff of the Missouri Public Service  
Commission  
PO Box 360  
Jefferson City, Missouri 65102  
573-751-4140(Telephone)/573-751-9285 (Fax)  
[samuel.ritchie@psc.mo.gov](mailto:samuel.ritchie@psc.mo.gov)

**Charter Fiberlink - Missouri, LLC**  
By Charter Communications, Inc., its Manager

BY \_\_\_\_\_

  
Carrie L. Cox  
Attorneys for Charter Fiberlink - Missouri, LLC  
12405 Powerscourt Drive  
St. Louis, MO 63131  
314-543-2567 (Telephone)/314-965-6640 (Fax)  
[carrie.cox@chartercom.com](mailto:carrie.cox@chartercom.com)

**Office Of The Public Counsel**

BY \_\_\_\_\_

Michael F. Dandino        MO Bar #24590  
Attorney for the Office of the Public Counsel  
P.O. Box 2230  
Jefferson City, Missouri 65102  
573-751-4857 (Telephone)/573-751-5562 (Fax)  
[opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov)  
[mike.dandino@ded.mo.gov](mailto:mike.dandino@ded.mo.gov)

BY \_\_\_\_\_

Kennard B. Woods        MO Bar #27977  
Attorneys for Charter Fiberlink - Missouri, LLC  
Friend, Hudak & Harris, LLP  
Three Ravinia Drive, Site 1450  
Atlanta, GA 30346  
770-399-9500 (Telephone)/770-395-0000 (Fax)  
[kwoods@fh2.com](mailto:kwoods@fh2.com)

provided by any Party are its own and not acquiesced in or otherwise adopted by the other Parties to the Stipulation, whether or not the Commission approves and adopts this Stipulation.

WHEREFORE, the Parties respectfully request that the Commission issue its order approving and adopting this Stipulation and Agreement.

Respectfully submitted,

**Southwestern Bell Telephone Company, d/b/a  
AT&T Missouri**

BY \_\_\_\_\_  
Timothy P. Leahy            MO Bar #36197  
Leo J. Bub                    MO Bar #34326  
Robert J. Gryzmala        MO Bar #32454  
Attorneys for AT&T Missouri  
One AT&T Center, Room 3518  
St. Louis, Missouri 63101  
314-235-2508 (Telephone)/314-247-0014(Fax)  
[leo.bub@att.com](mailto:leo.bub@att.com)

**Charter Fiberlink - Missouri, LLC**  
By Charter Communications, Inc., its Manager

BY \_\_\_\_\_  
Carrie L. Cox  
Attorneys for Charter Fiberlink - Missouri, LLC  
12405 Powerscourt Drive  
St. Louis, MO 63131  
314-543-2567 (Telephone)/314-965-6640 (Fax)  
[carrie.cox@chartercom.com](mailto:carrie.cox@chartercom.com)

BY *Kennard B Woods*  
Kennard B. Woods            MO Bar #27977  
Attorneys for Charter Fiberlink - Missouri, LLC  
Friend, Hudak & Harris, LLP  
Three Ravinia Drive, Site 1450  
Atlanta, GA 30346  
770-399-9500 (Telephone)/770-395-0000 (Fax)  
[kwoods@fh2.com](mailto:kwoods@fh2.com)

**Missouri Public Service Commission Staff**

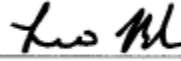
BY \_\_\_\_\_  
Samuel D. Ritchie        MO Bar #61167  
Attorney for the Staff of the Missouri Public Service  
Commission  
PO Box 360  
Jefferson City, Missouri 65102  
573-751-4140(Telephone)/573-751-9285 (Fax)  
[samuel.ritchie@psc.mo.gov](mailto:samuel.ritchie@psc.mo.gov)

**Office Of The Public Counsel**

BY \_\_\_\_\_  
Michael F. Dandino        MO Bar #24590  
Attorney for the Office of the Public Counsel  
P.O. Box 2230  
Jefferson City, Missouri 65102  
573-751-4857 (Telephone)/573-751-5562 (Fax)  
[opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov)  
[mike.dandino@ded.mo.gov](mailto:mike.dandino@ded.mo.gov)

**CERTIFICATE OF SERVICE**

Copies of this document were served on the following parties by e-mail on June 9, 2009.



Leo J. Bub

General Counsel  
Missouri Public Service Commission  
PO Box 360  
Jefferson City, MO 65102  
[general.counsel@psc.mo.gov](mailto:general.counsel@psc.mo.gov)

Kennard B. Woods  
Friend, Hudak & Harris, LLP  
Three Ravinia Drive, Site 1450  
Atlanta, GA 30346  
[kwoods@fh2.com](mailto:kwoods@fh2.com)

Christopher N. Grant  
Schuchat, Cook and Werner  
1221 Locust Street, 2<sup>nd</sup> Floor  
St. Louis, MO 63101  
[cng@schuchatew.com](mailto:cng@schuchatew.com)

Public Counsel  
Office of the Public Counsel  
PO Box 7800  
Jefferson City, MO 65102  
[opcservice@ded.mo.gov](mailto:opcservice@ded.mo.gov)

Ricardo Alberto Garcia  
David Van OS & Associates, P.C.  
116 E. Travis, Suite 618  
The Milam Building  
San Antonio, TX 78205  
[ricardo@vanoslaw.com](mailto:ricardo@vanoslaw.com)

Carrie L. Cox  
Charter Communications, Inc.  
12405 Powerscourt Drive  
St. Louis, MO 63131  
[carrie.cox@chartercom.com](mailto:carrie.cox@chartercom.com)