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STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

At a session of the Public Service  
Commission held at its office  
in Jefferson City on the 26th  
of August, 1999.

In the Matter of AT&T Communications of the	)	<u>Case No. TT-2000-52</u>
Southwest, Inc.'s Tariff Filing to Introduce	)	Tariff File 200000002
AT&T All In One Service, P.S.C. Mo. No. 17.	)	

**ORDER DENYING MOTION TO SUSPEND AND APPROVING TARIFF**

AT&T Communications of the Southwest, Inc. (AT&T) submitted a tariff filing (File No. 200000002) to the Commission for approval on July 1, 1999, with an effective date of August 2, 1999. AT&T's filing is designed to introduce its All In One Service. The Mid-Missouri Group of local exchange companies<sup>1</sup> (MMG) filed an Application to Intervene, Motion to Suspend Tariff on July 19, 1999. On July 29, 1999, the Commission granted MMG's intervention and suspended the tariff effective date until September 1, 1999, in order to permit a sufficient interval to consider MMG's motion. The Commission also ordered AT&T and the Staff of the Missouri Public Service Commission (Staff) to file responses to the motion to suspend.

In its motion to suspend, MMG argues that the tariff is "unlawful and unreasonable in that it violates AT&T's obligation" as a public

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<sup>1</sup> For purposes of this case, the Mid-Missouri Group of local exchange companies consists of Alma Telephone Company, Chariton Valley Telephone Corporation, Choctaw Telephone Company, Mid-Missouri Telephone Company, MoKan Dial, Inc., Northeast Missouri Rural Telephone Company, and Peace Valley telephone Company.

utility or common carrier to make all of its services ubiquitously available in all areas where AT&T makes service available." MMG states that the proposal "contravenes the public policy" and violates numerous sections of Chapter 392, RSMo, as well as 47 U.S.C. Section 254(g).

On August 6, 1999, AT&T filed a response to MMG's application. AT&T responded that a similar tariff has been approved by the Commission for a different telecommunications company in Case No. TT-98-311. In its response, AT&T states that the proposed tariff implements the All in One Service which is an add-on to interstate service and must be purchased in conjunction with interstate service. AT&T states that "any end-user in Missouri who selects AT&T [as] their 1+ interLATA provider can subscribe to the [service]." AT&T also states that "[c]ustomers do not have to PIC AT&T as their 1+ intraLATA toll provider to receive the All in One Service rates on intraLATA calls." Customers that do not chose AT&T as their intraLATA PIC may get the same rate using AT&T's dial-around access code.

Staff responded to MMG's motion on August 9, 1999. Staff indicated that it agrees with AT&T and states that the "Commission has approved tariff filings by other interexchange companies proposing to offer services only to customers who consent to give all of their long distance business to that carrier." Staff adds that rather than charging a different rate to different areas, AT&T's proposed tariff filing would charge a single rate in every area of the state.

On August 12, 1999, the Small Telephone Company Group (STCG)<sup>2</sup> filed its Suggestions in Support of the Mid-Missouri Group's Application to Intervene and Motion to Suspend. The STCG suggested that the Commission further suspend the tariff, establish a procedural schedule, and issue notice. However, the STCG is not a party to this case and has not sought to become a party to this case. Therefore, it is not proper for the Commission to consider STCG's suggestions. The Commission will strike this pleading.

AT&T filed a response to STCG's suggestions on August 16, 1999. AT&T reiterated its previous arguments and stated, "objections or concerns that the STCG and the MMG may have related to AT&T's request for relief from Carrier of Last Resort obligations or AT&T's proposed deaveraging of intraLATA toll service should be handled in cases related to those issues."<sup>3</sup> Because the Commission is striking the STCG's

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<sup>2</sup> For purposes of this case, the Small Telephone Company Group consists of BPS Telephone Company, Cass County Telephone Company, Citizens Telephone Company of Higginsville, Missouri, Inc., Craw-Kan Telephone Cooperative, Inc., Ellington Telephone Company, Farber Telephone Company, Goodman Telephone Company, Inc., Granby Telephone Company, Grand River Mutual Telephone Corporation, Green Hills Telephone Corporation, Holway Telephone Company, Iamo Telephone Company, Kingdom Telephone Company, KLM Telephone Company, Lathrop Telephone Company, Le-Ru Telephone Company, Mark Twain Rural Telephone Company, McDonald County Telephone Company, Miller Telephone Company, New Florence Telephone Company, New London Telephone Company, Orchard Farm Telephone Company, Oregon Farmers Mutual Telephone Company, Ozark Telephone Company, Rock Port Telephone Company, Seneca Telephone Company, Steelville Telephone Exchange, Inc., and Stoutland Telephone Company.

<sup>3</sup> Presumably AT&T is referring to Case Nos. TT-2000-22 (AT&T's tariff proposing to introduce an overlay plan) and TO-99-483 (AT&T's application to be relieved of its obligation of toll carrier of last resort) which are currently pending before the Commission.

suggestions, the portions of AT&T's August 16, 1999, pleading which are responsive to STCG's suggestions are moot.

The Commission suspended this tariff only for a period of 30 days, in order to hear and consider arguments from the parties regarding MMG's motion to suspend. MMG argues that the proposed tariff sheets are unlawful because they violate the provisions of Section 392.200, RSMo, and 47 U.S.C. Section 254(g), in that the rates proposed in AT&T's tariff filing will not be uniformly available in all of AT&T's service areas. MMG bases this allegation on the fact that the tariff requires customers to choose AT&T as their primary interexchange carrier before they are eligible for the All In One Service rate.

The Commission has reviewed AT&T's proposed tariff sheets and finds that the tariff sheets are not unlawful because the All In One Service rate is not limited to any particular area. According to the proposed tariff sheets, a uniform rate will apply to all areas of the state and any AT&T customer can get that rate for both interLATA and intraLATA toll calls.

Because MMG's allegations are without merit on their face, the Commission concludes that there are no questions of fact to be decided and that no evidentiary hearing is necessary. The Commission finds that AT&T's tariff filing is reasonable and in the public interest and should be approved.

**IT IS THEREFORE ORDERED:**

1. That the Small Telephone Company Group's Suggestions in Support of the Mid-Missouri Group's Application to Intervene and Motion to Suspend filed on August 12, 1999, are stricken.

2. That the Mid-Missouri Group's Motion to Suspend is denied.

3. That the tariff sheets submitted by AT&T Communications of the Southwest, Inc., on July 1, 1999, are approved for service on and after September 1, 1999. The tariff sheets approved are:

**P.S.C. Mo. No. 17**

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Index, 3rd Revised Sheet 7, Replacing 2nd Revised Sheet 7  
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4. That this order shall become effective on September 1, 1999.

5. That this case may close on September 2, 1999.

**BY THE COMMISSION**



**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

( S E A L )

Lumpe, Ch., Murray, Schemenauer,  
and Drainer, CC., concur  
Crumpton, C., absent

Dippell, Senior Regulatory Law Judge

**R E C E I V E D**

AUG 26 1999

COMMISSION COUNSEL  
PUBLIC SERVICE COMMISSION