

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

In the Matter of the Application of AT&T Communications )  
of the Southwest, Inc. to Expand its Certificate of Basic )  
Local Exchange Telecommunications Service Authority ) Case No. \_\_\_\_\_  
to include Windstream Missouri's Exchanges. )

**AT&T COMMUNICATIONS OF THE SOUTHWEST, INC.'S  
APPLICATION FOR EXPANSION OF BASIC LOCAL EXCHANGE  
TELECOMMUNICATIONS SERVICE AUTHORITY**

**I. Introduction**

AT&T Communications of the Southwest, Inc. ("AT&T Communications") respectfully files this Application to expand its certificate of basic local exchange telecommunications service authority to include Windstream Missouri, Inc.'s exchanges and to classify the Company and its services in those exchanges as competitive.<sup>1</sup> AT&T Communications and Windstream Missouri have recently concluded an interconnection agreement, which was submitted by Windstream Missouri on August 18, 2009, and approved by the Missouri Public Service Commission ("Commission") on September 30, 2009.<sup>2</sup>

AT&T Communications has been certificated to provide and is currently providing basic local exchange service as a competitive telecommunications company in AT&T Missouri's<sup>3</sup> and the former GTE Midwest, Inc. exchanges in Missouri. AT&T Communications now seeks the expansion of this service authority to Windstream Missouri's exchanges. AT&T Communications also requests the waivers it previously received from the Commission of certain statutes and regulations be extended to AT&T Communications' offering of service in these additional exchanges.

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<sup>1</sup> AT&T Communications submits this application pursuant to the Federal Telecommunications Act of 1996 ("the Act"); Sections 392.361, 392.410, 392.420, 392.430, 392.440, 392.450 and 392.455 RSMo; and 4 CSR 240-2.060 and 4 CSR 240.3.510.

<sup>2</sup> See MoPSC File No. IK-2010-0058.

<sup>3</sup> Southwestern Bell Telephone Company, d/b/a AT&T Missouri will be referenced in this Application as "AT&T Missouri."

## **II. Application for Service Authority, Competitive Classification and Waivers**

### **A. Description of the Applicant**

1. AT&T Communications is a Delaware corporation with its principal office at One AT&T Way, Bedminster, New Jersey, 07921. It may be contacted at the electronic mail address, facsimile and telephone numbers of its attorneys, as set out under the signature block of this Application. AT&T Communications is authorized to do business in Missouri.<sup>4</sup> AT&T Communications is a "local exchange telecommunications company" and a "public utility," and is duly authorized to provide "telecommunications service" within the State of Missouri, as each of those phrases is defined in Section 386.020, RSMo. 2000.
2. All correspondence, pleadings, orders, decisions, and communications regarding this proceeding should be sent to:

Leo J. Bub  
Robert J. Gryzmala  
Attorneys for AT&T Communications of the Southwest, Inc.  
One AT&T Center, Suite 3520  
St. Louis, Missouri 63101

### **B. Qualifications**

3. AT&T Communications remains managerially and technically qualified to provide basic local telecommunication services in the state of Missouri, as found in Case Number TA-96-322. It has been successfully providing basic local service in Missouri since it commenced operations in 1998.
4. AT&T Communications remains financially qualified to provide telecommunications services in the state of Missouri, as found in Case Number TA-96-322. AT&T Communications' financials are reflected in the Annual Reports that it has filed with the Commission each year. In addition, AT&T Communications is providing on a Highly Confidential basis its income statement

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<sup>4</sup> A copy of AT&T Communications' Certificate of Good Standing from the Missouri Secretary of State was filed with the Commission on October 16, 2007 in Case No. CK-2008-0109.

for the twelve months ending December 31, 2008, and its balance sheet as of December 31, 2008, as Attachments 1(HC) and 2(HC).

**C. Description of Services**

5. AT&T Communications is currently authorized to, and does, provide basic local exchange telecommunications services within the service territory of AT&T Missouri and the former GTE Midwest, Inc. pursuant to approved tariffs. AT&T Communications requests the Commission take administrative notice of its local exchange service tariffs, which are incorporated into this application by reference.<sup>5</sup> AT&T Communications seeks additional authorization to provide basic local service in the exchanges served by Windstream Missouri. AT&T Communications' new service area will follow the boundaries of Windstream Missouri's exchanges and will not be smaller than an exchange. AT&T Communications' services meet established Commission standards.

6. Concurrent with this Application, AT&T Communications is filing revised tariff pages reflecting the expansion of its service to include the Windstream exchanges.<sup>6</sup> AT&T's proposed tariffs bear an effective date no less than 45 days from the issue date, consistent with the Commission's practice in similar cases.

7. AT&T Communications seeks continued classification as a competitive telecommunications company, including classification of its basic local exchange telecommunications service in the new service area as competitive, pursuant to Section 392.361 RSMo. and 4 CSR 240-3.510(1)(A). In the Commission's orders granting AT&T Communications a certificate of service authority, the Commission previously classified AT&T Communications and its services as competitive.

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<sup>5</sup>AT&T Communications of the Southwest, Inc. Local Exchange Services Tariff, P.S.C. Tariff No.21.

<sup>6</sup> An illustrative copy of the proposed tariff sheets are appended as Attachment 3.

8. AT&T Communications will continue to offer basic local service as a separate and distinct service, including in the new service area. AT&T Communications will give consideration to equitable access for all Missourians, regardless of where they might reside or their income, to affordable telecommunications service in the new service area, in accordance with applicable law.

**D. Compliance with Rules and Request for Waiver**

9. AT&T Communications will comply with all applicable Commission rules, except as waived by the Commission, in providing basic local service in the new service area, including, but not limited to tariff filing and maintenance in a manner consistent with the Commission's requirement for incumbent local exchange carriers and interexchange carriers with whom AT&T Communications seeks to compete. Additionally, AT&T Communications agrees that, pursuant to Section 392.455(3)(4) RSMo. 2000, its service area shall be no smaller than an exchange.

10. Consistent with the Commission's treatment of other certificated competitive local exchange telecommunications companies, AT&T Communications requests a waiver of the following statutes and regulations for its services in the new service area:

Statutes

392.210.2 Uniform System of Accounts  
392.240.1 Just & Reasonable Rates  
392.270 Ascertain Property Values  
392.280 Depreciation Accounts  
392.290 Issuance of Securities  
392.300 Acquisition of Stock  
392.310 Issuance of stock and debt  
392.320 Stock dividend payment  
392.330 Issuance of securities, debts & notes  
392.340 Reorganizations

Rules

4 CSR 240-10.020	Depreciation Fund Income
4 CSR 240-30.040	Uniform System of Accounts
4 CSR 240-3.550(5)(C)	File Exchange Boundary Maps with Commission
4 CSR 240-3.550(4)(5A)	Service Quality Reporting
4 CSR 240-32.060	Engineering and Maintenance
4 CSR 240-32.070	Quality of Service

4 CSR 240-32.080	Service Objectives and Surveillance Levels
4 CSR 240-33.040(1-3)(5-10)	Billing and Payment Standards
4 CSR 240-33.045	Separate Identification of Charges on Customer Bills
4 CSR 240-33.080(1)	
4 CSR 240-33.130(1)(4)(5)	

These rules and statutory provisions have been waived by the Commission for AT&T Communications and for other competitive companies in prior cases. No public utility will be affected by the Commission's granting the requested waivers.

11. Notwithstanding the provisions of Section 392.500 and 392.510 RSMo, as a condition of the requested certification and competitive classification, AT&T Communications agrees that, unless otherwise ordered by the Commission, AT&T Communications' originating and terminating switched exchange access rates in the new service area will be no greater than the lowest Commission-approved corresponding access rate in effect for the incumbent local exchange carrier within that service area in which AT&T Communications seeks authority to provide service (i.e., Windstream Missouri). Additionally, pursuant to the Commission's Report and Order in Case No. TO-99-596, AT&T Communications agrees that if Windstream Missouri decreases its current originating and/or terminating access service rates, AT&T Communications shall file an appropriate tariff amendment to reduce its corresponding originating and/or terminating access rates within thirty (30) days of Windstream Missouri's reduction of its originating and/or terminating access rates in order to maintain the cap on switched exchange access rates.

12. AT&T Communications has no unsatisfied final judgments or decisions against it from any state or federal agency or court, which involves retail customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of this application.

13. AT&T Communications does not have any overdue annual reports or regulatory assessment fees.

**E. Public Interest Considerations**

14. AT&T Communications submits that the public interest will be served by Commission approval of this application because the proposed services will create and enhance competition and expand customer service options consistent with the legislative goals of the Telecommunications Act of 1996, and Chapter 392 RSMo 2000. Prompt approval of this application will further expand the availability of innovative, high quality, and reliable telecommunication services within the state of Missouri.

**III. Conclusion**

WHEREFORE, AT&T Communications respectfully requests the Commission grant this Application by expanding AT&T Communications' certificate of service authority to include the provision of basic local telecommunications services in the Windstream Missouri exchanges; classifying AT&T Communications and its basic local service in the new service territory as competitive; and waiving the statutes and regulations identified in this Application as to AT&T Communications' provision of service in its new service area.

Respectfully submitted,

AT&T Communications of the Southwest, Inc.


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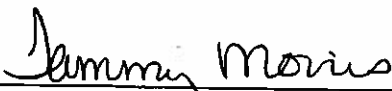
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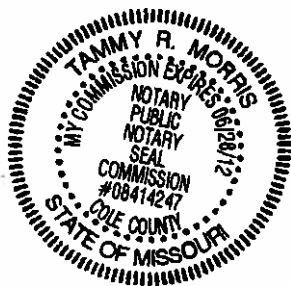
**VERIFICATION**

I, Timothy M. Judge, being duly sworn upon my oath, state that I am over twenty-one, sound of mind, and Director-Regulatory of AT&T Services, Inc. I am authorized to act on behalf of AT&T Missouri regarding the foregoing document. I have read it and verify that the facts contained in it are true and correct according to the best of my knowledge, information and belief.

  
\_\_\_\_\_  
Timothy M. Judge

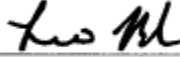
Sworn and subscribed to before me this 13 day of OCTOBER, 2009.

  
\_\_\_\_\_  
Notary Public



## **CERTIFICATE OF SERVICE**

Copies of this document were served on the following parties by e-mail on October 13, 2009.



Leo J. Bub

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## **ATTACHMENTS**

- 1(HC). AT&T Communications of the Southwest, Inc. Income Statement for the twelve months ending 12/31/08 (Highly Confidential).
- 2(HC). AT&T Communications of the Southwest, Inc. Balance Sheet as of 12/31/08 (Highly Confidential).
3. AT&T Communications of the Southwest, Inc.'s illustrative tariff reflecting expanded service territory.

**ATTACHMENT 1**

**IS**

**HIGHLY CONFIDENTIAL**

**IN ITS ENTIRETY**

**ATTACHMENT 2**  
**IS**  
**HIGHLY CONFIDENTIAL**  
**IN ITS ENTIRETY**

P.S.C. Mo. No. 21  
AT&T COMMUNICATIONS OF THE SOUTHWEST, INC.  
LOCAL EXCHANGE SERVICES TARIFF

Attachment 3

Index  
1st Revised Sheet 1  
Replacing Original Sheet 1

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Issued:

Carol E. Paulsen, Director Regulatory  
208 S. Akard Street  
Dallas, TX 75202

Effective:

P.S.C. Mo. No. 21  
AT&T COMMUNICATIONS OF THE SOUTHWEST, INC.  
LOCAL EXCHANGE SERVICES TARIFF

Attachment 3

Section 3  
1st Revised Index Sheet 1  
Replacing Original Index Sheet 1

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3. SERVICE AREAS

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Issued:

Effective:

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208 S. Akard Street  
Dallas, TX 75202

### 3. SERVICE AREAS

#### 3.1 LOCAL SERVICE AREA DESIGNATIONS

##### 3.1.1 General

The Company offers Local Exchange Service within the Southwestern Bell Telephone Company, GTE Midwest Incorporated and Windstream Communications, Inc. territories and concurs in their filed exchange areas and exchange maps. (AT)  
(AT)

##### 3.1.2 AT&T Digital Link Local Service Area

The AT&T Digital Link Local Service Area is comprised of one or more Exchange Area(s) that: (1) have a Rate Center within 23 or 27 miles, as specified in this tariff, of the Customer's Rate Center within the LATA within the State of Missouri, or (2) are outside the Customer's LATA or outside the State of Missouri, but within the Customer's local calling area as defined by the Incumbent Local Exchange Carrier.

##### 3.1.3 AT&T Digital Link Local Calling Area Exchanges

AT&T Digital Link Service will be provided in the exchanges listed in 3.2.1, 3.2.2 and 3.2.3 following.

##### 3.1.4 AT&T Local Exchange Service Local Calling Area Exchanges

AT&T Local Exchange Service will be provided in the exchanges listed in 3.2.1, following.

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3. SERVICE AREAS

3.2 LOCAL CALLING AREA EXCHANGES (Continued)

3.2.4 Windstream Communications, Inc.

Albany	Halfway	Piedmont
Aldrich	Iberia	Pleasant Hope
Allendale	Jameson	Polk
Bellflower	Laclede	Ponder
Bolivar	Liberal	Purdy
Coffey	Madison	Rothville
Crocker	Martinsburg	Silex
Clubb	Mendon	St. Elizabeth
Dixon	Middletown	Stark City
Doniphan	Milean	Stockton
Eolia	Mindenmines	Stotts City
Fairdealing	Morrisville	Stover
Fair Play	Myrtle	Sumner
Fairview	Naylor	Union Star
Florence	Neelyville	Vandalia
Gallatin	New Hartford	Verona
Grandin	Olney	Wappapello Park
Grant City	Oxly	Wheaton
Greenville	Patterson	Williamsville
Holliday	Pattonburg	Winston

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