

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service
Commission held at its office in
Jefferson City on the 18th day of
April, 2002.

In the Matter of Southwestern Bell Telephone)	
Company's Tariff Filing to Initiate Residential)	<u>Case No. TT-2002-472</u>
Customer Winback Promotion)	Tariff No. 200200831

ORDER FURTHER SUSPENDING TARIFF AND DIRECTING NOTICE

On March 29, 2002, Southwestern Bell Telephone, L.P. d/b/a Southwestern Bell Telephone Company (SWBT) issued a tariff sheet that would revise its Local Exchange Tariff to offer, as a promotion, a waiver of the Service and Equipment Charge to residential customers who have disconnected their access line with SWBT for the purpose of establishing service with another local exchange carrier and now wish to return to SWBT. The tariff carried an effective date of April 9, 2002.

On April 3, 2002, the Staff of the Commission filed a motion asking the Commission to suspend and reject SWBT's proposed tariff. Staff indicated that the Commission, in its Report and Order in Case No. TT-2002-108, found that winback promotions, such as that established by this tariff, are anticompetitive. Staff argued that the tariff proposed by SWBT is also anticompetitive and should be rejected.

On April 5, 2002, the Commission issued an order that suspended the tariff until May 9, 2002, to allow the Commission time to further study the tariff, and to permit SWBT, or any other interested party to respond to Staff's motion. The Commission's order

directed that any party wishing to file a response do so not later than April 12, 2002. SWBT filed a response to Staff's motion on April 4. No other party has filed a response.

After further considering Staff's Motion and SWBT's response, the Commission has decided to further suspend SWBT's tariff, as permitted by Section 392.230.3, RSMo 2000, to allow the Commission an opportunity to determine whether it will also have an adverse effect on competition. The tariff has already been suspended for a period of 30 days. It will be suspended for an additional 90 days, for a total suspension of 120 days.¹

Additional proper parties should be given notice and an opportunity to intervene. The Data Center of the Commission will be directed to send a copy of this order to all telecommunications companies certificated to do business in the state of Missouri.

IT IS THEREFORE ORDERED:

1. That the tariff sheet issued on March 29, 2002, by Southwestern Bell Telephone, L.P., d/b/a Southwestern Bell Telephone Company, and assigned Tariff No. 200200831, previously suspended until May 9, 2002, is further suspended for a period of 90 days beyond May 9, 2002, to August 7, 2002, or until otherwise ordered by this Commission. The tariff sheet suspended is:

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3rd Revised Sheet 2, Replacing 2nd Revised Sheet 2

¹ Section 392.230.3, RSMo 2000, allows for a 120-day period of suspension, but permits the Commission to suspend a tariff for an additional six months if it is not able to conclude its hearing regarding the tariff within the 120-day initial suspension.

2. That the Data Center of the Commission shall send a copy of this order to all telecommunications companies certificated to do business in the state of Missouri.

3. That any proper person or entity desiring to intervene shall, no later than May 9, 2002, submit an application to intervene to:

Secretary of the Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102-0360

Copies of the application to intervene should be sent to:

Paul G. Lane
Leo J. Bub
Anthony K. Conroy
Mimi B. MacDonald
Attorneys for Southwestern Bell Telephone, L.P.
One SBC Center, Room 3520
St. Louis, Missouri 63101

and

Office of the Public Counsel
P.O. Box 7800
Jefferson City, Missouri 65102-7800

4. That this order shall become effective on April 28, 2002.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Simmons, Ch., Lumpe, Gaw and Forbis, CC., concur
Murray, C., dissents

Woodruff, Senior Regulatory Law Judge