

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 1<sup>st</sup> day of  
November 2007.

In the Matter of the Tariff Filing of AT&T of the	)	<b><u>Case No. TO-2008-0104</u></b>
Southwest, Inc. Concerning Revisions in Billing	)	Tariff Nos. JX-2008-0187,
Method for Certain Types of Prepaid Calling Cards	)	JX-2008-0188, & JX-2008-0189

**ORDER DENYING MOTION TO SUSPEND TARIFFS**

Issue Date: November 1, 2007

Effective Date: November 11, 2007

On October 12, 2007, the Office of the Public Counsel filed a motion asking the Commission to suspend three tariff revisions filed by AT&T of the Southwest, Inc. AT&T's proposed tariff revisions carried an effective date of October 21. The Commission's Staff filed a recommendation regarding the proposed tariff changes on September 26, before Public Counsel filed its motion. Staff concluded that the tariffs meet the requirements of all applicable statutes and do not conflict with applicable Commission rules.

On October 17, AT&T filed a response to Public Counsel's motion to suspend. AT&T explained that the calling card services at issue are a competitive service, provided by a competitive company, in a very competitive market. AT&T indicated the proposed tariffs change the "decrementation" rate for certain AT&T prepaid calling cards from 1:1 to 8:1 for intrastate calls within Missouri. In other words, a one-minute intrastate call in Missouri uses eight minutes of the time sold on the card. AT&T contended this increased ratio is necessary because of the high in-state access charges prevalent in Missouri. Consumers who buy the calling cards are notified of the increased cost for Missouri intrastate calls when they purchase the cards. AT&T stated that the Commission has

already allowed the 8:1 “decrementation” rate to go into effect for other AT&T calling cards and urged the Commission to deny Public Counsel’s motion. Staff filed a response concurring with AT&T’s position later on October 17.

After discussing Public Counsel’s motion to suspend AT&T’s tariffs at its October 18 agenda meeting, the Commission declined to act to suspend those tariffs. The tariffs went into effect by operation of law on their October 21 effective dates.

The Commission agrees with AT&T and its Staff that the calling card tariffs challenged by Public Counsel relate to a competitive service offered by a competitive company. Prospective customers are notified of the “decrementation” rate at the time they purchase the cards and can refuse to purchase the card from AT&T if they are not satisfied. In any event, the challenged tariffs are now in effect. Public Counsel’s motion to suspend those tariffs will be denied.

**IT IS ORDERED THAT:**

1. The Office of the Public Counsel’s Corrected Motion to Suspend, filed on October 15, 2007, is denied.
2. This order shall become effective on November 11, 2007.

BY THE COMMISSION



Colleen M. Dale  
Secretary

(S E A L)

Davis, Chm., with separate concurrence to follow, Murray, Jarrett, CC., concur.  
Clayton, C., dissents, with separate dissenting opinion to follow.  
Appling, C., absent

Woodruff, Deputy Chief Regulatory Law Judge