

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

In the Matter of the Application of SBC)	<u>Case No. XN-2006-0268</u>
Long Distance, LLC, for a Name Change)	Tariff Nos: JX-2006-0473
		JX-2006-0474

DISSENTING OPINION OF COMMISSIONER STEVE GAW

By its Order in the above captioned proceeding, the majority authorizes SBC Long Distance, LLC to change its name to AT&T Long Distance. Recognizing the recent SBC's recent acquisition of AT&T and the subsequent change in the corporate name to AT&T, I understand the companies desire to operate under the AT&T name and logo. Nevertheless, I am concerned that this name change will generate needless customer confusion.

A brief review of the tariffs on file with the Commission indicates that AT&T Communications of the Southwest, now part of the new AT&T, has several long distance tariffs still in effect. AT&T indicates that it will use the former AT&T Communications of the Southwest solely for marketing to the business customer while using SBC Long Distance to market services to the residential customer. Nevertheless, the fact remains, that AT&T Communications of the Southwest has a legacy group of residential customers that continue to receive long distance service under the terms and conditions of the AT&T Communications of the Southwest tariff. As such, two neighbors, one a legacy customer of AT&T Communications of the Southwest and the other a new customer of SBC Long Distance d/b/a AT&T, could both be receiving what they believe to be AT&T long distance service under different terms, conditions and tariffs from what is actually two different companies.

This Commissioner notes that such confusion can have more impact than just marketing confusion. In a recent case before the Commission involving Socket Telecom, CenturyTel and Spectra Communications d/b/a CenturyTel, Socket argued that the use of substantially similar

names by two affiliates along with certain practices of the affiliates led it to believe that the two affiliates were one in the same in regard to adoption of an interconnection agreement.¹ If a more sophisticated entity such as Socket can become confused by multiple entities using a common name, certainly a residential customer seeking information about service from one of the companies, or seeking to file a complaint regarding one of those companies, will also experience such confusion.

It is undeniable that some customer confusion will be generated by the duplicity of long distance tariffs being administered under the AT&T name. While I appreciate AT&T's efforts to eliminate customer confusion by using different entities to market to different customer segments, the fact remains that similarly situated customers may continue to be provided long distance service under different terms, conditions and tariffs by entirely different entities both operating under the AT&T name and logo. This confusion should not be encouraged by this Commission. As such, I must respectfully dissent.

Respectfully Submitted



Steve Gaw
Commissioner

Dated at Jefferson City, Missouri,
on this 30th day of January, 2006.

¹ See, Case No. CO-2005-0066.