

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

In the Matter of YMax Communications	)	
Corp.'s Tariff Filing to Revise its Intrastate	)	Case No. TO-2013-0042
Switched Access Services Tariff,	)	
P.S.C. MO. Tariff No. 2	)	

**NOTICE OF WITHDRAWAL OF TARIFF OBJECTIONS**

AT&T<sup>1</sup> wishes to notify the Commission that with the filing of YMax's revised tariff sheets on September 9, 2012, AT&T withdraws its Motion to Suspend and Investigate Tariff<sup>2</sup>

AT&T's withdrawal of its objections to the proposed tariff revisions, however, is not to be construed as agreement or acquiescence in any billing practices under YMax's current or revised tariffs through which it would bill end office charges. As explained in AT&T's Motion to Suspend, the FCC has unequivocally ruled that its "rules do not permit a LEC to charge for functions performed neither by itself or its retail [VoIP] service provider partner."<sup>3</sup> Here, YMax does not provide any end office switching or any part of a local loop or a physical connection that can constitute end office functions for which it can charge. YMax therefore should not bill AT&T or any other interexchange carrier for those services. In the event YMax continues to bill such charges, AT&T will continue to dispute and withhold payment of these unlawfully imposed charges and reserves the right to avail itself of all available remedies.

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<sup>1</sup> AT&T Communications of the Southwest, Inc. will be referred to as "AT&T Communications" and Southwestern Bell Telephone Company, d/b/a AT&T Missouri will be referred to as "AT&T Missouri." Collectively, they will be referred to as "AT&T."

<sup>2</sup> AT&T filed its Motion to Suspend and Investigate Tariff on August 3, 2012.

<sup>3</sup> AT&T Motion to Suspend, pp. 2-4 and 6-9; citing *Connect America Fund et al.*, 26 FCC Rcd 17663, ¶ 970 (2011) ("Connect America Order"); *AT&T v. YMax*, 26 FCC Rcd. 5742 (2011) ("YMax Order"); and *YMax Clarification Order*, 27 FCC Rcd. 2142, ¶¶ 4-5 (2012).

Respectfully submitted,

AT&T COMMUNICATIONS SOUTHWEST, INC. AND  
SOUTHWESTERN BELL TELEPHONE COMPANY,  
D/B/A AT&T MISSOURI

BY 

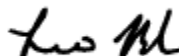
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### **CERTIFICATE OF SERVICE**

Copies of this document were served on the following parties by e-mail on September 10, 2012.



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