

SEP 18 1985

CONCURRING STATEMENT OF
COMMISSIONER JAMES H. QUELLO

In re: AT&T PRO America Optional Calling Plan

In rejecting this tariff modification, the Commission has again delayed an important benefit to the public in the form of significant rate relief. While I believe the record cost support can be deemed sufficient to find the tariff lawful, I have reluctantly come to the Bureau's view that rejection is the more appropriate course given our continued treatment of AT&T as the "dominant" carrier.

I question the wisdom of continuing to apply dominant carrier status to AT&T in all of the markets in which it wishes to participate. There are markets--the low density interstate markets, for example--where AT&T clearly remains dominant albeit not necessarily always by choice. There are other markets, including the one targeted by PRO America, which is highly competitive and in which AT&T is clearly handicapped by relatively high tariff rates. There is no valid public policy being served by requiring that those rates remain significantly higher than necessary.

Small to medium size businesses and their customers stood to benefit from the proposed tariff modifications and some of those benefits will be lost because of our rejection of the tariff. However, I have been encouraged to believe that there will be sufficient information in the rejection order to enable another filing, with all of the requisite support, in the near future.

The tariff review process provides the Commission with wide latitude in making determinations about lawfulness. I am convinced that there is no effort to abuse that discretion and I believe that the Bureau will encourage further modifications of these tariffs to make them more competitive. Therefore, I concur.

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