

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

In the matter of the tariff submission of Logix )	Case No. LT-2007-_____
Communications, L.P., d/b/a Logix )	Tariff File No. JL-2007-0332
Communications, to amend Tariff No. 4 )	

**MOTION TO SUSPEND**

COMES NOW the Staff of the Missouri Public Service Commission and for its motion states:

1. Logix Communications, L.P., d/b/a Logix Communications, is a telecommunications company certificated by the Commission to provide basic local and interexchange telecommunications services.

2. On November 13, 2006, Logix Communications submitted to the Commission new and revised sheets to amend its Missouri P.S.C. No. 4 Tariff by, *inter alia*, addressing rate increases. The tariff sheets have a proposed effective date of January 1, 2007. This tariff submission was assigned Tariff File No. JL-2007-0332.

3. In this tariff submission, Logix Communications proposes to add the following language addressing rate increases:

Page 9, Section 2.1.2.B:

. . . To the extent Company utilizes the Local Wholesale Complete service in lieu of what would have been served utilizing ULS, all pass through charges passed through by AT&T to Logix, as well as any annual rate escalators, will also be passed through to Customer as either a rate adder to the service rate or separately itemized charge.

Page 78, Section 12.7:

. . . Logix long distance rates are based on an average customer call distribution. Any customer who has an excessive amount of calls to or from a high telecommunications carrier cost area or whose calls are of an excessive intrastate jurisdiction, relative to the average distribution, will

be surcharged per minute of use based on the additional costs Logix incurs to provide service.

Page 79, Section 12.7.1:

\*Beginning in 2009, these rates will be increased annually based on the U.S. Consumer Price Index (CPI)

Page 80, Section 12.8.1:

\* Beginning in 2009, these rates will be increased annually based on the U.S. Consumer Price Index (CPI)

4. Section 392.220.1 RSMo directs that every telecommunications company shall print and file with the Commission schedules showing the rates, rentals and charges for service of each and every kind. This statute further directs that no telecommunications company shall charge, demand, collect or receive a different compensation for any service rendered or to be rendered than the charge applicable to such service as specified in its schedule on file and in effect at that time.

5. Logix Communications' proposed language addressing future rate increases violates Section 392.220.1 RSMo. A pass through to the Logix Communications' customer of a future cost increase or rate escalator passed through by AT&T to Logix Communications is not a charge specified in Logix Communications' tariff. A pass through to the Logix Communications' customer who makes too many calls, or who makes too many calls to or from high cost areas, of Logix Communications' costs to provide service is not a charge specified in Logix Communications' tariff. A charge based on a rate increased annually based on the CPI is not a charge specified in Logix Communications' tariff.

6. The Staff requested Logix Communications to delete this language. Logix Communications declined Staff's request.

7. Section 392.230.3 RSMo authorizes the Commission to suspend and to enter upon a hearing concerning the propriety of a schedule, i.e., a tariff submission, stating a new rate, rental or charge or practice affecting any rate, rental or charge.

8. Pursuant to Commission rule 4 CSR 240-2.065(3), the tariff submission is attached to this motion for suspension.

WHEREFORE, the Staff requests the Commission to suspend and enter upon a hearing concerning the propriety of Logix Communications' tariff submission.

Respectfully submitted,

/s/ William K. Haas

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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to the following counsel this 21<sup>st</sup> day of December 2006.

/s/ William K. Haas

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November 13, 2006

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*Records  
Public Service Commission*

Missouri Public Service Commission  
Governor Office Bldg, 200 Madison Street  
P.O. Box 360  
Jefferson City, MO 65102-0360

RE: Logix Communications, L.P., dba Logix Communications Amendment to Tariff No. 4

Dear Sir/Madam:

Enclosed for filing is an original application and amendment to Tariff No. 4 tariff with 7 copies, on behalf of Logix Communications, L.P., dba, Logix Communications ("Logix").

The amendment addresses rate increases for simplicity and small business suite that have been subject to wholesale rate increases as UNE-P has been phased out, updates to language relating to termination liability and long distance usage, charges for research, clarification to Logix's service order charge, and an update to the title page showing the change in the corporate name of the company.

Regarding the rate changes, the change is reflected in the following notice language:

The Federal Communications Commission's ("FCC") previously issued rules that address how carriers like Logix obtain access to incumbent telecommunications networks. In those rules, the FCC phased out certain service offerings leading to rate increases on those services for which carriers lease access to the incumbent telephone company's switches. In connection with that change in federal law, a \$2.85 per line rate increase on the numbers listed below will be effective January 8, 2007. **No rate increases are anticipated in 2008.** Beginning in 2009, there will be rate adjustments based on the U.S. Consumer Price Index (CPI).

If you have any questions please call Customer Care at 1-800-444-0258.

Thank you for your consideration of the above and the attached. Any questions about this tariff should be directed to my attention at (512) 615-4135.

Very truly yours,

Howard J. Siegel  
Vice President of External and Regulatory Affairs

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**2. REGULATIONS****2.1 Undertaking of the Company****2.1.1 Scope**

The Company undertakes to furnish communications service pursuant to the terms of this tariff in connection with one-way and/or two-way information transmission between points within the State of Missouri.

Customers and users may use services and facilities provided under this tariff to obtain access to services offered by other service providers. The Company is responsible under this tariff only for the services and facilities provided hereunder, and it assumes no responsibility for any service provided by any other entity that purchases access to the Company network in order to originate or terminate its own services, or to communicate with its own customers.

**2.1.2 Shortage of Equipment or Facilities**

- A. The Company reserves the right to limit or to allocate the use of existing facilities, or of additional facilities offered by the Company, when necessary because of lack of facilities, or due to some other cause beyond the Company's control.
- B. The furnishing of service under this tariff is subject to the availability on a continuing basis of all the necessary facilities and is limited to the capacity of the Company's facilities as well as facilities the Company may obtain from other carriers to furnish service from time to time as required at the sole discretion of the Company. To the extent Company utilizes the Local Wholesale Complete service in lieu of what would have been served utilizing ULS, all pass through charges passed through by AT&T to Logix, as well as any annual rate escalators, will also be passed through to Customer as either a rate adder to the service rate or separately itemized charge.

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**10. SPECIAL ARRANGEMENTS (Cont'd)****10.1 Special Construction (Cont'd)****B. (Cont'd)**

1. Cost installed of the facilities provided including estimated costs for rearrangements of existing facilities and/or construction of new facilities as appropriate, less net salvage. Cost installed includes the cost of:

- (a) equipment and materials provided or used,
- (b) engineering, labor and supervision,
- (c) transportation, and
- (d) rights-of-way;

2. license preparation, processing, and related fees;
3. tariff preparation, processing, and related fees;
4. cost of removal and restoration, where appropriate; and
5. any other identifiable costs related to the specially constructed or rearranged facilities.

- C. The applicable termination liability method for calculating the unpaid balance of a term obligation. The amount of such charge shall be equal to the number of months remaining in the Term of this Agreement multiplied by the greater of the sum of Total Monthly Billing commitment, or the Customer's average bill over the prior six months (excluding all Federal, State, Local Taxes, Fees and Assessments). Examples of where the customer's average bill would be greater than the listed Total Monthly Billing commitment includes long distance charges and customer requested increases in service.

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**12. RATES AND CHARGES****12.1 Additional Charges**

	USOC	Monthly Rate	NRC
A. Touch-Tone			
Per Line or Hunting Line	TTB	\$1.80	\$5.50
Per PBX Trunk	TJB	1.90	5.50
B. End User Common Line, (EUCL)			
Individual Line	9ZR11	\$6.00	0.00
Multi-Line Per Line	9ZR	9.20	0.00
C. Directory Assistance,			
Local, Per Call		\$0.73	0.00
Long Distance, Per Call		\$0.85	0.00
D. Directory Assistance,			
Call Completion		\$0.30	
In Addition to Directory Assistance Charge			

**12.2 Order Charges**

	Monthly Rate	NRC
<u>Service Order</u>		
Processing Fee	\$	\$ 25.00***
Activation of One Feature Fee	\$	\$ 16.50*
Activation of 2 <sup>nd</sup> & Each Additional Feature Fee	\$	\$ 14.50*
Change of Telephone Number Fee	\$	\$ 25.00*
Change of Line Signaling Fee	\$	\$ 25.00*
Change of Class/Type of Service Fee	\$	\$ 25.00*
Suspended/Reconnect Service Fee (Per Line/Channel)	\$	\$ 25.00*
Customer Requested Suspended/Reconnect Per Line	\$	\$ 25.00*
Partial Disconnects and Deletions	\$	\$ 25.00*
Installation of New Lines (Each Line)	\$	\$ 50.00*
Move fee (non-facility based) per Line	\$	\$ 50.00*

\*Charged in additional to the Service Order Processing Fee.

\*\*\*Charged to the initiating party, i.e. the requesting customer or carrier.

**Disconnect Charge**

Per Line Fee	\$	\$ 12.50
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Issue Date: November 13, 2006

Effective Date: January 1, 2007

Issued by:

Howard Siegel, Vice President Regulatory  
Logix Communications  
210 Barton Springs Road, Suite 100  
Austin, Texas 78704

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12. RATES AND CHARGES (Cont'd)12.6 Personalized Ring Service - Rates

The following rates and charges apply in addition to the established rates and charges for the access line (master number) and any services with which Personalized Ring service is associated.

	USOC	Monthly Rate	Installation Charge
Business Service			
One Dependent Number	DRS	\$5.00	\$5.40
Two Dependent Numbers			
First	DRS1X	6.00	5.40
Second	DRS2X	2.00	0.00

12.7 Minimum Usage – Combined Long Distance Charges – Standard Distribution

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Without regard to what plan Customer may be on, Company may charge a \$9.95 minimum usage charge in any month that customer's total long distance bill is less than \$25.00. To achieve the \$25.00 level, Company will combine all usage charges for both in-state and interstate calls. Logix long distance rates are based on an average customer call distribution. Any customer who has an excessive amount of calls to or from a high telecommunications carrier cost area or whose calls are of an excessive intrastate jurisdiction, relative to the average distribution, will be surcharged per minute of use based on the additional costs Logix incurs to provide service.

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**12. RATES AND CHARGES (Cont'd)****12.7.1 Simplicity****A. Local**

<u>Group</u>	<u>Single-Line Flat Rate</u>	<u>Multi-Line Flat Rate</u>	
C	\$35.81*	\$41.81*	CR
D	\$42.81*	\$45.81*	CR
A - Metropolitan Calling Area 2	\$52.25*	\$59.26*	CR
A - Metropolitan Calling Area 3	\$55.30*	\$62.31*	CR
B - Metropolitan Calling Area 3	\$57.31*	\$57.31*	CR
A - Metropolitan Calling Area 4	\$70.81*	\$70.81*	CR
B - Metropolitan Calling Area 4	\$73.31*	\$73.31*	CR
A - Metropolitan Calling Area 5	\$88.81*	\$88.81*	CR
B - Metropolitan Calling Area 5	\$88.81*	\$88.81*	CR
<u>Group</u>	<u>Trunk Flat Rate</u>	<u>DID Trunk Flat Rate</u>	
A - Metropolitan Calling Area 2	\$59.26*	\$109.26*	CR
A - Metropolitan Calling Area 3	\$62.31*	\$112.31*	CR
B - Metropolitan Calling Area 3	\$57.31*	\$98.81*	CR
A - Metropolitan Calling Area 4	\$70.81*	\$113.81*	CR
B - Metropolitan Calling Area 4	\$73.31*	\$113.81*	CR
A - Metropolitan Calling Area 5	\$88.81*	\$128.81*	CR
B - Metropolitan Calling Area 5	\$88.81*	\$128.81*	CR

\* Beginning in 2009, these rates will be increased annually based on the U.S. Consumer Price Index (CPI)

**B. In-State Calling Rates**

The intralata and intrastate long distance rates are shown below:

<u>Type</u>	<u>Billing Increments</u>		<u>Cost Per Minute</u>
	<u>Initial</u>	<u>Add'l</u>	
Intralata	6 second	6 second	\$0.0850
Intrastate	6 second	6 second	\$0.0850
Intralata Toll Free	6 second	6 second	\$0.0850
Intrastate Toll Free	6 second	6 second	\$0.0850
Intralata Calling Card	6 second	6 second	\$0.1000**
Intrastate Calling Card	6 second	6 second	\$0.1000**
Surcharge	Per Call		\$0.8500**

\*\*Charged in addition to the total per minute cost of the call.

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**12. RATES AND CHARGES (Cont'd)**12.8 Small Business Suite12.8.1 Local

<u>Group</u>	<u>Single-Line Flat Rate</u>	<u>Multi-Line Flat Rate</u>	
C- Principal and Metropolitan Calling Area 1	\$36.80*	\$32.84*	CR
D - Principal and Metropolitan Calling Area 1	\$43.80*	\$41.84*	CR
A - Metropolitan Calling Area 2	\$52.25*	\$48.30*	CR
A - Metropolitan Calling Area 3	\$54.30*	\$51.35*	CR
B - Metropolitan Calling Area 3	\$61.50*	\$60.10*	CR
A - Metropolitan Calling Area 4	\$77.25*	\$73.30*	CR
B - Metropolitan Calling Area 4	\$83.45*	\$82.05*	CR
A - Metropolitan Calling Area 5	\$101.20*	\$97.25*	CR
B - Metropolitan Calling Area 5	\$107.40*	\$106.00*	CR
<u>Group</u>	<u>Trunk Flat Rate</u>	<u>DID Trunk Flat Rate</u>	
C- Principal and Metropolitan Calling Area 1	\$43.80*	\$77.80*	CR
D - Principal and Metropolitan Calling Area 1	\$48.80*	\$85.80*	CR
A - Metropolitan Calling Area 2	\$59.26*	\$109.26*	CR
A - Metropolitan Calling Area 3	\$62.31*	\$112.31*	CR
B - Metropolitan Calling Area 3	\$57.31*	\$98.81*	CR
A - Metropolitan Calling Area 4	\$70.81*	\$113.81*	CR
B - Metropolitan Calling Area 4	\$73.31*	\$113.81*	CR
A - Metropolitan Calling Area 5	\$88.81*	\$128.81*	CR
B - Metropolitan Calling Area 5	\$88.81*	\$128.81*	CR

\* Beginning in 2009, these rates will be increased annually based on the U.S. Consumer Price Index (CPI)

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210 Barton Springs Road, Suite 100  
Austin, Texas 78704

Effective Date: January 1, 2007

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**15. RECIPROCAL COMPENSATION OF INTRA-MTA TRAFFIC**

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**15.1 General Regulations**

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**15.1.1 Liability of The Company**

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The Company's liability, if any, shall not exceed an amount equivalent to the proportionate charge to the Cellular Mobile Carrier (CMC) for the period of service during which such mistake, omission, interruption, delay, error, or defect in transmission or service occurs and continues. This liability shall be in addition to any amounts that may otherwise be due to the CMC under this tariff as an allowance for interruptions. However, any such mistakes, omissions, interruptions, delays, errors, or defects in transmission or service which are caused or contributed to by the negligence or willful act of the CMC or which arise from the use of CMC-provided facilities or equipment shall not result in the imposition of any liability whatsoever upon the Company.

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15.1.2 When the lines of other local exchange companies (LECs) and carriers are used in establishing connections to points not reached by The Company's lines, The Company is not liable for any act or omission of the other LECs and carriers.

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15.1.3 The CMC is responsible for payment of all charges originated from, or charges accepted on the CMC's system (e.g., collect call, third number charges or 900/976 type charges). For CMC originated traffic interchanged with the Company and destined to points within the local calling scope of the Company's end office(s), the terminating usage rate elements in 15.2 shall apply.

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**15. RECIPROCAL COMPENSATION OF INTRA-MTA TRAFFIC (cont.)**

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**15.2 Rates**

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15.2.1 For CMC originated traffic interchanged with the Company and destined to intraLATA points outside the local calling scope of the CMC's end office, the following rate apply.

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A. Terminating Usage Charges

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<u>Rate Element</u>	<u>Rate Per Minute</u>
1. Network Access Terminating	\$0.011250

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