

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 28th day of
December, 2006.

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| In the Matter of the Tariff Submission of Logix |) | |
| Communications, L.P., d/b/a Logix Communications, |) | <u>Case No. LT-2007-0227</u> |
| to Amend Tariff No. 4 |) | Tariff No. JL-2007-0332 |

ORDER SUSPENDING TARIFF

Issue Date: December 28, 2006

Effective Date: December 28, 2006

On November 13, 2006, Logix Communications, L.P. d/b/a Logix Communications ("Logix") submitted to the Commission new and revised sheets to amend its Missouri P.S.C. No. 4 Tariff.¹ The amendments include new language addressing rate increases. The tariff sheets have a proposed effective date of January 1, 2007.

Logix 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

¹ Logix is a telecommunications company certified by the Commission to provide basic local and interexchange telecommunications services.

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)

On December 21, 2006, the Staff of the Missouri Public Service Commission filed a motion to suspend Logix's proposed tariff after Logix declined Staff's request that it omit the above language from the tariff sheets. Staff observes that Section 392.220.1 directs that "[e]very telecommunications company shall print and file with the Commission schedules showing the rates, rentals and charges for service of each and every kind. . ."² Additionally, Section 392.220.2 provides that "[n]o 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."

Staff asserts that Logix's proposed language addressing future rate increases violates Section 392.220.1, because: (1) 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; (2) 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

² All statutory references refer to RSMo 2000 unless otherwise noted.

provide service is not a charge specified in Logix Communications' tariff; and (3) a charge based on a rate increased annually based on the CPI is not a charge specified in Logix Communications' tariff. Consequently, Staff moves the Commission to suspend the tariff and hold a hearing to determine the propriety of these tariff provisions.

Section 392.230.3 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 for a period of 120 days plus six months. So that the Commission will have adequate time to issue notice and set a procedural schedule culminating with a hearing, the tariff shall be suspended until May 1, 2007, unless sooner approved by the Commission, or unless the Commission, in its discretion, extends the time of suspension for a further period not exceeding six additional months.

IT IS ORDERED THAT:

1. The tariff sheets filed by Logix Communications, L.P. d/b/a Logix Communications on November 13, 2006, effective date of January 1, 2007, and assigned tariff number JL-2007-0332, are suspended until May 1, 2007. The tariff sheets suspended are:

P.S.C. MO. NO. 4

Second Revision Page 5, Canceling First Second Revision Page 5

First Revision Page 9, Canceling Original Page 9

First Revision Page 70, Canceling Original Page 70

Second Revision Page 74, Canceling First Revision Page 74

First Revision Page 78, Canceling Original Page 78

Second Revision page 79, Canceling First Revision Page 79

Second Revision Page 80, Canceling First Revision Page 80

Original Page 88

Original Page 89

2. This order shall become effective on December 28, 2006.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale
Secretary

(S E A L)

Davis, Chm., Murray, Gaw, Clayton and Appling, CC., concur

Stearley, Regulatory Law Judge