

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION**

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 26th day of  
April, 2005.

In the Matter of the Petition of TON	)	
Services, Inc., for a Waiver of Portions	)	
of Rule 4 CSR 240-31.065 Requiring	)	<b><u>Case No. XE-2005-0373</u></b>
a Billing Surcharge for the Universal	)	
Service Fund Assessment	)	

**ORDER GRANTING WAIVER**

On April 19, 2005, TON Services, Inc., filed an application for a waiver of Rule 4 CSR 240-31.065 which requires a surcharge for the Universal Service Fund Assessment. 4 CSR 240-31.065, if not waived, would require TON to collect its Universal Service Fund assessment through an explicit surcharge. TON requests a waiver of this rule because TON provides long distance service by the sale of prepaid debit cards only and provides no other form of long distance service. TON states that, at the time of purchase, no usage has taken place, and that it does not render bills to its customers. TON proposes to remit the required assessment directly to the administrator of the USF, from the collected revenues derived from its base rates.

On April 21, 2005, the Staff of the Commission filed its recommendation concerning the waiver. Staff states that, because of the nature of providing prepaid service, good cause exists to waive 4 CSR 240-31.065 for TON. The Commission agrees with Staff that TON has demonstrated good cause and the Commission will grant the waiver. Although a

surcharge is mandatory under normal circumstances, the Commission agrees that it is not possible for a prepaid provider that does not render bills to implement an explicit surcharge.

**IT IS THEREFORE ORDERED:**

1. That the application for a waiver of Rule 4 CSR 240-31.065 filed by TON Services, Inc., on April 19, 2005, is granted.
2. That this order shall become effective on May 1, 2005.
3. That this case may be closed on May 2, 2005.

**BY THE COMMISSION**

**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

(S E A L)

Davis, Chm., Clayton and Appling, CC., concur  
Gaw, C., concurs with concurring opinion to follow  
Murray, C., absent

Mills, Deputy Chief Regulatory Law Judge