

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office in
Jefferson City on the 12th day of
May, 2005.

In the Matter of the Petition of T-Netix)
Telecommunications Services, Inc.,)
for a Waiver of Portions of Rule)
4 CSR 240-31.065 Requiring a)
Billing Surcharge for the Universal)
Service Fund Assessment)

Case No. XE-2005-0396

ORDER GRANTING WAIVER

On April 19, 2005, T-Netix Telecommunications 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 T-Netix to collect its Universal Service Fund assessment through an explicit surcharge. According to T-Netix's application, the cost to add an additional line for the Missouri USF on each applicable end user's bill would cost T-Netix more than the USF assessment itself. T-Netix proposes to remit the required assessment directly to the administrator of the USF, from the collected revenues derived from its base rates.

On May 5, 2005, the Staff of the Commission filed its recommendation concerning the waiver. Staff states that, since the cost of implementing a surcharge is likely to be greater than the amounts to be collected, T-Netix has demonstrated good cause to waive 4 CSR 240-31.065. The Commission agrees with Staff that T-Netix has demonstrated good cause and the Commission will grant the waiver. Although a surcharge is mandatory under normal

circumstances, the Commission will not require a company to implement one if it would be likely to create more costs than it collects.

IT IS THEREFORE ORDERED:

1. That the application for a waiver of Rule 4 CSR 240-31.065 filed by T-Netix Telecommunications Services, Inc., on April 19, 2005, is granted.
2. That this order shall become effective on May 22, 2005.
3. That this case may be closed on May 23, 2005.

BY THE COMMISSION

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Davis, Chm., Murray, Clayton,
and Appling, CC., concur.
Gaw, C., concurs, with separate
concurring opinion attached.

Mills, Deputy Chief Regulatory Law Judge