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President

**Missouri Telecommunications Industry Association**

June 29, 2015

Morris L. Woodruff  
Secretary of the Commission  
Missouri Public Service Commission  
Post Office Box 360  
Jefferson City, Missouri 65102

RE: In the Matter of a Proposed Rescission and  
Consolidation of Commission Rules  
Relating to Telecommunications

Commission Case # TX-2015-0097

Dear Judge Woodruff:

Thank you for the opportunity to provide comments regarding the above-captioned case. The member companies of the Missouri Telecommunications Industry Association (MTIA) appreciate the Commission's proactive effort to revise and consolidate the Commission's telecommunications rules in light of the statutory changes adopted over the last several years by the Missouri legislature.

Over the last dozen years, legislative revisions to the statutes governing telecommunications have consistently recognized and reflected the move from a monopoly environment toward a competitive marketplace in the provision of retail voice services. As a result, many existing rules are now outdated and/or no longer applicable to Missouri telecommunications companies.

Our association appreciated the opportunity to have been involved in previous stakeholder workshops and discussions as this rulemaking was developed, and now wishes to provide additional comments on the proposed rescissions and rules as published in the May 1 edition of the *Missouri Register*.

**A. Definitions – 240-28.010**

**1. 240-28.010(11) - Definition of "Non-switched Local Exchange Telecommunications Service"**

The MTIA recommends revising the definition of non-switched local exchange telecommunications service as follows to clarify that non-switched local exchange service can be purchased by one customer to connect multiple customer locations or by more than one customer to connect different locations:

(11) Non-switched local exchange telecommunications service - Service connecting customer locations within an exchange to other points within the exchange provisioned by facilities dedicated to these locations and points, and which facilities do not switch the service to other locations and points. Facilities solely dedicated to connecting a customer's locations within an exchange, which does not traverse the local public switched network.

## 2. 240-28.010(16) - Definition of "Switched Access Service"

The proposed definition of "switched access service" erroneously implies that it is only provided to or used by interexchange companies, which is not necessarily the case. However, attempting to come up with a definition that identifies all of the potential customers of switched access service could prove to be contentious and not easily achievable. In reviewing the proposed rules, the term "switched access service" only appears on Section 240-28.070(1), which deals with tariffing and is just cited as an example of a service that has to be tariffed. The current proposed Section 240-28.070(1) reads:

A telecommunications company shall maintain a tariff for any commission-regulated wholesale service such as switched access service.

If the term "switched access service" is only being used in this one place, and only as an example, MTIA proposes another alternative that would eliminate the need for the new definition altogether by changing Section 240-28.070(1) and eliminating the term and focusing on "exchange access service," (which is already defined in Section 386.020(17) of the Missouri statutes) as follows:

A telecommunications company shall maintain a tariff for any commission-regulated ~~wholesale service such as switched~~ exchange access service.

## 3. 240-28.010(17) Definition of "Tariff"

The MTIA recommends revising the definition of "tariff" to clarify that tariffs are "filed with" the Commission rather than "submitted to" the Commission. This proposed change is consistent with existing statutory language and historical practice. See e.g. Missouri Revised Statutes 392.200.4(1) ("files a tariff or tariffs..."); 392.220.1("Every telecommunications company shall print and file with the commission schedules showing the rates..."; 392.461(2) ("requirement to file or maintain with the commission any tariff...").

(17) Tariff – A document filed with ~~submitted to~~ the commission identifying the telecommunications services offered by a company and also identifying the rates, terms, and conditions for the use of such service.

## B. Certification or Registration Requirements – 4 CSR 240-28.030(1)

The MTIA recommends a word change in 240.28-030(1) to recognize that a company may be granted one or more of the various types of certificates of service authority or registrations. The proposed rule states that a company may be granted "one (1) or all of these certifications or registrations . . ." There is no legal requirement that a company hold either one or all of the certificates or registrations, so the word "all" should be replaced with "more" to read:

A company may be granted one or more ~~all~~ of these certifications or registrations, in a single application or in multiple applications.

## C. Reporting Requirements – 4 CSR 240-28.040

Annual Reports are addressed in the section 28.040(2), and Statement of Revenue Reports in 28.040(3). The MTIA recommends a wording change in 240.28-040(3)(A) to correct what appears to be a typographical error by replacing the words "annual report" with "statement of revenue" to be consistent with the rest of the section as follows:

(3)(A) All companies shall use the Statement of Revenue ~~annual report~~ form provided by the commission on the commission's web site.

#### **D. Interconnection Agreements – 240-28.080**

##### **1. 240-28.080(2) – Adoption of Interconnection Agreements**

Proposed rule 28.080(2) currently provides for the adoption of an “approved interconnection agreement or amendment that has previously been approved by the Commission.” MTIA believes that this language may mistakenly and improperly imply that amendments to interconnection agreements may be adopted without adopting the entire interconnection agreement. In order to remove that implication, the MTIA would suggest removal of the reference to an “amendment” in the first sentence of proposed rule 28.080(2) so that it would read: “An adoption of an ~~approved~~ interconnection agreement ~~or amendment that has been~~ previously approved by the commission can be requested by either company by submitting a letter to the secretary of the commission . . .”

In addition, the last sentence of this section provides that the adoption will become effective on the date it is properly submitted to the Commission. We believe that that provision should be further clarified to address the situation where there is an objection to the adoption of an existing interconnection agreement by one of the parties. Accordingly, MTIA would suggest the following revisions to the last sentence of proposed Rule 28.080(2) so that it would read: “Unless subject to an objection pursuant to section 2(D) below, the adoption will become effective on the date it is properly submitted to the commission.”

MTIA is not taking a position on the portion of this section dealing with the adoption of interconnection agreements whose original term has expired, but which remain in effect pursuant to term renewal or extension provisions.

##### **2. 240-28.080(2)(B) - Commission Approval of Agreements Adopted by Consent**

Proposed rule 28.020(5) requires that “Interconnection agreements and any adoptions or amendments thereto shall be filed with and approved by the commission as a condition of effectiveness of the agreements.” The proposed rule on the procedure for approval of Interconnection Agreements (28.080) establishes a process for Commission approval of new agreements or amendments thereto as well as adoptions of agreements that have not been signed by both parties. However, the process for Commission approval and public notice of agreements that are adopted and signed by both parties is unclear.

To make certain that there is Commission approval and public notice of all approved adoptions, the MTIA recommends that proposed rule 240-28.080(2)(B) should be clarified by adding the sentence: “Upon receipt of an adoption request signed by both parties, the Commission shall open a new file and issue an order expeditiously either approving or rejecting the adoption.” The proposed rule would read as follows:

If both parties have signed the signature page of the adoption the request shall be electronically filed as an Interconnection Agreement Informal Submission in EFIS. Upon receipt of an adoption request signed by both parties, the Commission shall open a new file and issue an order expeditiously either approving or rejecting the adoption.

##### **3. NEW 240-28.080(3) - Commission Acknowledgement of Termination of Agreement**

Proposed rule 28.080(3) has a process for Commission approval of agreements, but there is no process for the Commission to acknowledge the termination of interconnection agreements. A process should be established for the incumbent carrier to file a notice letter in the Commission file where the agreement between the two parties was approved, followed by a Commission order acknowledging the termination of the agreement.

NEW 240-28.080(3) Termination of Interconnection Agreements—The incumbent local exchange telecommunications company that is a party to any interconnection agreement that is terminated shall notify the Secretary of the commission of its termination by filing a letter in the case in which the agreement was approved.

#### CONCLUSION

The MTIA appreciates the opportunity to comment on these proposed rule changes and requests that the Commission adopt its suggested changes, clarifications, and edits to the proposed rule.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Telthorst".

Richard Telthorst, CAE  
President