

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

In the matter of the tariff filing of)	
First Communications, LLC concerning)	Case No. _____
monthly recurring charges and new)	Tariff No. JX-2008-0217
billing fee)	

MOTION TO SUSPEND

The Office of the Public Counsel moves the Public Service Commission to suspend Tariff No. JX-2008-0217 filed by First Communications, LLC. to amend its tariffs to add a \$2.95 monthly recurring charge, effective November 7, 2007.

The tariff is vague and unreasonable and deceptive in that it fails to give the customer adequate notice of the purpose of the monthly recurring charge or any details about this monthly charge, the conditions that trigger the charge so the customer can, if desired, take the action necessary to avoid the charge. The tariff by failing to provide any details of the reason for the charge fails to provide the Commission with information on which it can determine whether or not the charge is just, fair, and reasonable, is not discriminatory or otherwise conflicts with the provisions of Public Service Commission telecommunications rules or statutes.

The copy of the notice purporting to show compliance with 4 CSR 240-33.040 (4) Billing and Payment Standards for Residential Customers wherein customers are entitled to 10 days notice of the increase has effective dates that do not coincide with the effective dates of the tariff and further provides notice for increases that have not yet been tariffed. The notice fails to provide correct and adequate notice of the specific charges the tariff implements and when the new charges will be effective.

The tariff fails to comply with 4 CSR 240-33.045 Requiring Clear Identification and Placement of Separately Identified Charges on Customer Bills. The purpose of this rule is intended to clarify items that may be separately identified on customer bills, provide guidance for labeling and require clear disclosure to customers of the total anticipated service charges for new services: “(1) All telecommunications companies shall provide a clear, full and meaningful disclosure of all monthly charges and usage sensitive rates that are applicable to the services the customer has ordered or is considering ordering.”

This tariff would violate the purpose and intent of the billing rule to create *“reasonable and uniform standards . . . for billing and payment practices for all telecommunications companies.”*

The customer notice for the tariff also advises the customer of a new separate charge for the rendering of a bill to the customer. That charge has not been tariffed, is not effective, and is not part of this tariff which can lead to confusion or mislead the customer to believe that the notice applies to a past event rather than a future event. The notice is, therefore, inaccurate and should not be used as the notice required for increases in rates.

A separate billing charge that is not even effective goes beyond a conflict with the Company’s obligation to furnish a bill to the customer. It is unreasonable and unlawful for the Company to not only separately bill for this mandated function of every telecommunications companies that is part of and incidental to the provision of any telecommunication service, but also to provide false information about the charges and fees the company can lawfully charge.

Commission Rule 4 CSR 240-33.040 (2) established a clear duty for each telecommunications company to render a bill to the customer during each billing period and has prescribed that the bill is to clearly state and identify 13 specific items of information for services and the associated charges. 4 CSR 240-33.040 (8). The Company's duty to render a bill is part and parcel of the provision of the service and cannot be lawfully and reasonably separated from the charge for the service.

The proposed fees are not in the public interest because they conflict with the PSC's rules. It is against public policy and contrary to the interests of the ratepayer and to the public interest (Sec. 392.185, RSMO) to impose a charge that lacks any meaningful terms and conditions and which fails to disclose its purpose in the customer notice designed to benefit and educate the customer of new and increased charges. That notice should be accurate and not mislead or confuse the customer with wrong effective dates and extraneous matters. In the same manner, a separate billing charge must be tariffed before it can be charged and notice alone is insufficient to make it effective. In any event a billing charge is unlawful and unreasonable in that the rendering of a bill is an incidental part of the provision of the telecommunications service and a mandated part of that service as the company's legal duty.

A copy of the proposed tariff is attached to this motion.

For these reasons, Public Counsel asks the PSC to suspend the tariff and hold an evidentiary hearing to determine whether the proposed tariff is just, reasonable, and lawful and otherwise in the public interest or, in the alternative, reject the tariff for violation of Commission rules.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

/:/ Michael F. Dandino

BY: _____

Michael F. Dandino (Bar No. 24590)

Deputy Public Counsel

200 Madison Street, Suite 650

Jefferson City, MO 65102

Telephone: (573) 751-5559

Facsimile: (573) 751-5562

E-mail: mike.dandino@ded.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was mailed or hand delivered this 29th day of October, 2007 to the following:

General Counsel .
John van Eschen
Missouri Public Service Commission.
P. O. Box 360
Jefferson City, MO 65102
GenCounsel@psc.mo.gov
john.vaneschen@psc.mo.gov

Patrick Crocker
Attorney for First Communications
900 Comerica Building
Kalamazoo, MI 49007
tcom1@earlylennon.com

/:/ Michael F. Dandino

EARLY, LENNON, CROCKER & BARTOSIEWICZ, P.L.C.

ATTORNEYS AT LAW
900 COMERICA BUILDING
KALAMAZOO, MICHIGAN 49007-4719
TELEPHONE (269) 381-8844
FAX (269) 381-8822

RECEIVED
October 9, 2007
Data Center
Missouri Public
Service Commission

GEORGE H. LENNON
DAVID G. CROCKER
MICHAEL D. O'CONNOR
LAWRENCE M. BRENTON
GORDON C. MILLER
GARY P. BARTOSIEWICZ
BLAKE D. CROCKER

ROBERT M. TAYLOR
RON W. KIMBREL
PATRICK D. CROCKER
THOMAS A. BIRKHOLO
ANDREW J. VORBRICH
TYREN R. CUDNEY

OF COUNSEL
JOHN T. PETERS, JR.
HAROLD E. FISCHER, JR.
RUSSELL B. BAUGH

VINCENT T. EARLY
(1922-2001)
JOSEPH J. BURGIE
(1926-1992)
THOMPSON BENNETT
(1912-2004)

October 4, 2007

Colleen Dale, Executive Secretary
Missouri Public Service Commission
Harry S. Truman Office Building
200 Madison Street
Jefferson City, MO 65102

Re: First Communications, LLC

Dear Ms. Dale:

Enclosed for filing with the Commission, please find an original and fourteen (14) copies of the above captioned corporation's tariff pages, as follows:

<u>Revision</u>	<u>Pages</u>
1 st Revised	25, 25.3, 26, 26.3, 27, 27.3, 28, and 28.3

With Commission approval, the Company intends to introduce new plans and add a monthly recurring charge to specific plans.

Also enclosed is a duplicate copy of this filing. Please date-stamp the duplicate and return same in the enclosed stamped, self-addressed envelope.

Should you have any questions concerning this filing, please contact me.

Very truly yours,

EARLY, LENNON, CROCKER & BARTOSIEWICZ, P.L.C.


Patrick D. Crocker

PDC/pas

cc: Office of Public Counsel

SECTION 4 - RATES

4.1 Presubscribed 1+ Dialing

4.1.1 Commercial

RSL Integrated

\$0.199 per minute

Billed in six second increments

A monthly recurring charge of \$2.95 applies

(N)

A Low Usage Fee of \$2.50 applies to monthly usage under \$10.00

Monthly PICC Fee of \$4.31 applies

Transpoint

\$0.199 per minute

Billed in six second increments with an 18 second initial charge

A monthly recurring charge of \$2.95 applies

(N)

Elite Business

\$0.199 per minute

Billed in one minute increments

A Low Usage Fee of \$3.95 applies to monthly usage under \$10.00

Monthly PICC Fee of \$4.31 applies

A one time setup fee of \$10.00 applies

Premier Business

\$0.199 per minute

Initial period eighteen seconds

Additional periods billed in six second increments

A monthly recurring charge of \$2.95 applies

(N)

A Low Usage Fee of \$2.50 applies to monthly usage under \$10.00

Monthly PICC Fee of \$4.31 applies

A one time setup fee of \$10.00 applies

Simplicity Business

\$0.199 per minute

Initial period eighteen seconds

Additional periods billed in six second increments

A Low Usage Fee of \$3.95 applies to monthly usage under \$10.00

Monthly PICC Fee of \$4.31 applies

Issued: October 4, 2007

Issued by:

Joseph R. Morris
Chief Operating Officer
First Communications, LLC
3340 W. Market St.
Akron, OH 44333

Effective: November 7, 2007

SECTION 4 – RATES (cont'd)

4.3 Presubscribed 1+ Dialing

4.1.2 Residential

Call South Asia

\$0.199 per minute

Billed in one minute increments

A Low Usage Fee of \$2.50 applies to monthly usage under \$10.00

A one time setup fee of \$10.00 applies

Middle East Saver

\$0.199 per minute

Billed in one minute increments

A monthly recurring charge of \$2.95 applies

A one time setup fee of \$10.00 applies

(N)

(N)

10-10-834

\$0.199 per minute

Billed in one minute increments

A monthly recurring charge of \$2.95 applies

10-10-502

\$0.199 per minute

Billed in one minute increments

Call the Americas

\$0.199 per minute

Billed in one minute increments

A Low Usage Fee of \$2.50 applies to monthly usage under \$10.00

A one time setup fee of \$10.00 applies

10-10-5200

\$0.199 per minute

Billed in one minute increments

A monthly recurring charge of \$2.95 applies

A one time setup fee of \$10.00 applies

(N)

(N)

Issued: October 4, 2007

Issued by:

Joseph R. Morris
Chief Operating Officer
First Communications, LLC
3340 W. Market St.
Akron, OH 44333

Effective: November 7, 2007

SECTION 4 – RATES (cont'd)

4.2 Casual Calling

4.2.1 Commercial

RSL Integrated

\$0.199 per minute

Billed in six second increments

A monthly recurring charge of \$2.95 applies

(N)

A Low Usage Fee of \$2.50 applies to monthly usage under \$10.00

Monthly PICC Fee of \$4.31 applies

Transpoint

\$0.199 per minute

Billed in six second increments with an 18 second initial charge

A monthly recurring charge of \$2.95 applies

(N)

Elite Business

\$0.199 per minute

Billed in one minute increments

A Low Usage Fee of \$3.95 applies to monthly usage under \$10.00

Monthly PICC Fee of \$4.31 applies

A one time setup fee of \$10.00 applies

Premier Business

\$0.199 per minute

Initial period eighteen seconds

Additional periods billed in six second increments

A monthly recurring charge of \$2.95 applies

(N)

A Low Usage Fee of \$2.50 applies to monthly usage under \$10.00

Monthly PICC Fee of \$4.31 applies

A one time setup fee of \$10.00 applies

Simplicity Business

\$0.199 per minute

Initial period eighteen seconds

Additional periods billed in six second increments

A Low Usage Fee of \$3.95 applies to monthly usage under \$10.00

Monthly PICC Fee of \$4.31 applies

Issued: October 4, 2007

Issued by:

Joseph R. Morris
Chief Operating Officer
First Communications, LLC
3340 W. Market St.
Akron, OH 44333

Effective: November 7, 2007

SECTION 4 – RATES (cont'd)

4.2 Casual Calling

4.2.2 Residential

Call South Asia

\$0.199 per minute

Billed in one minute increments

A Low Usage Fee of \$2.50 applies to monthly usage under \$10.00

A one time setup fee of \$10.00 applies

Middle East Saver

\$0.199 per minute

Billed in one minute increments

A monthly recurring charge of \$2.95 applies

A one time setup fee of \$10.00 applies

(N)

(N)

10-10-834

\$0.199 per minute

Billed in one minute increments

A monthly recurring charge of \$2.95 applies

10-10-502

\$0.199 per minute

Billed in one minute increments

Call the Americas

\$0.199 per minute

Billed in one minute increments

A Low Usage Fee of \$2.50 applies to monthly usage under \$10.00

A one time setup fee of \$10.00 applies

10-10-5200

\$0.199 per minute

Billed in one minute increments

A monthly recurring charge of \$2.95 applies

A one time setup fee of \$10.00 applies

(N)

(N)

Issued: October 4, 2007

Issued by:

Effective: November 7, 2007

Joseph R. Morris
Chief Operating Officer
First Communications, LLC
3340 W. Market St.
Akron, OH 44333

SECTION 4 – RATES (cont'd)

4.3 Travel Cards

4.3.1 Commercial

RSL Integrated

\$0.199 per minute

Billed in six second increments

A monthly recurring charge of \$2.95 applies

(N)

A Low Usage Fee of \$2.50 applies to monthly usage under \$10.00

Monthly PICC Fee of \$4.31 applies

Transpoint

\$0.199 per minute

Billed in six second increments with an 18 second initial charge

A monthly recurring charge of \$2.95 applies

(N)

Elite Business

\$0.199 per minute

Billed in one minute increments

A Low Usage Fee of \$3.95 applies to monthly usage under \$10.00

Monthly PICC Fee of \$4.31 applies

A one time setup fee of \$10.00 applies

Premier Business

\$0.199 per minute

Initial period eighteen seconds

Additional periods billed in six second increments

A monthly recurring charge of \$2.95 applies

(N)

A Low Usage Fee of \$2.50 applies to monthly usage under \$10.00

Monthly PICC Fee of \$4.31 applies

A one time setup fee of \$10.00 applies

Simplicity Business

\$0.199 per minute

Initial period eighteen seconds

Additional periods billed in six second increments

A Low Usage Fee of \$3.95 applies to monthly usage under \$10.00

Monthly PICC Fee of \$4.31 applies

Issued: October 4, 2007

Issued by:

Joseph R. Morris
Chief Operating Officer
First Communications, LLC
3340 W. Market St.
Akron, OH 44333

Effective: November 7, 2007

SECTION 4 – RATES (cont'd)

4.3 Travel Cards

4.3.2 Residential

Call South Asia

\$0.199 per minute

Billed in one minute increments

A Low Usage Fee of \$2.50 applies to monthly usage under \$10.00

A one time setup fee of \$10.00 applies

Middle East Saver

\$0.299 per minute

Billed in one minute increments

A monthly recurring charge of \$2.95 applies

A one time setup fee of \$10.00 applies

(N)

(N)

10-10-834

\$0.199 per minute

Billed in one minute increments

A monthly recurring charge of \$2.95 applies

10-10-502

\$0.199 per minute

Billed in one minute increments

Call the Americas

\$0.199 per minute

Billed in one minute increments

A Low Usage Fee of \$2.50 applies to monthly usage under \$10.00

A one time setup fee of \$10.00 applies

10-10-5200

\$0.299 per minute

Billed in one minute increments

A monthly recurring charge of \$2.95 applies

A one time setup fee of \$10.00 applies

(N)

(N)

Issued: October 4, 2007

Issued by:

Joseph R. Morris
Chief Operating Officer
First Communications, LLC
3340 W. Market St.
Akron, OH 44333

Effective: November 7, 2007

SECTION 4 – RATES (cont'd)

4.4 Toll Free Service

4.4.1 Commercial

RSL Integrated

\$0.199 per minute

Billed in six second increments

A monthly recurring charge of \$2.95 applies

(N)

A Low Usage Fee of \$2.50 applies to monthly usage under \$10.00

Monthly PICC Fee of \$4.31 applies

Transpoint

\$0.199 per minute

Billed in six second increments with an 18 second initial charge

A monthly recurring charge of \$2.95 applies

(N)

Elite Business

\$0.199 per minute

Billed in one minute increments

A Low Usage Fee of \$3.95 applies to monthly usage under \$10.00

Monthly PICC Fee of \$4.31 applies

A one time setup fee of \$10.00 applies

Premier Business

\$0.199 per minute

Initial period eighteen seconds

Additional periods billed in six second increments

A monthly recurring charge of \$2.95 applies

(N)

A Low Usage Fee of \$2.50 applies to monthly usage under \$10.00

Monthly PICC Fee of \$4.31 applies

A one time setup fee of \$10.00 applies

Simplicity Business

\$0.199 per minute

Initial period eighteen seconds

Additional periods billed in six second increments

A Low Usage Fee of \$3.95 applies to monthly usage under \$10.00

Monthly PICC Fee of \$4.31 applies

Issued: October 4, 2007

Issued by:

Joseph R. Morris
Chief Operating Officer
First Communications, LLC
3340 W. Market St.
Akron, OH 44333

Effective: November 7, 2007

SECTION 4 – RATES (cont'd)

4.4 Toll Free Service

4.4.2 Residential

Call South Asia

\$0.199 per minute

Billed in one minute increments

A Low Usage Fee of \$2.50 applies to monthly usage under \$10.00

A one time setup fee of \$10.00 applies

Middle East Saver

\$0.299 per minute

Billed in one minute increments

A monthly recurring charge of \$2.95 applies

A one time setup fee of \$10.00 applies

(N)

(N)

10-10-834

\$0.199 per minute

Billed in one minute increments

A monthly recurring charge of \$2.95 applies

10-10-502

\$0.199 per minute

Billed in one minute increments

Call the Americas

\$0.199 per minute

Billed in one minute increments

A Low Usage Fee of \$2.50 applies to monthly usage under \$10.00

A one time setup fee of \$10.00 applies

10-10-5200

\$0.299 per minute

Billed in one minute increments

A monthly recurring charge of \$2.95 applies

A one time setup fee of \$10.00 applies

(N)

(N)

Issued: October 4, 2007

Issued by:

Joseph R. Morris
Chief Operating Officer
First Communications, LLC
3340 W. Market St.
Akron, OH 44333

Effective: November 7, 2007



Notice of Price Increase.

This notice is to inform you the following monthly recurring fee will go into effect on August 1, 2007.

The following plans will have a \$2.95 monthly recurring charge for Presubscribed 1+, Casual Calling, Travel Cards and Toll Free Service: 10105200, Middle East Savers, Premier Business, RSL Integrated and Transpoint.

A Billing Fee of 99 ¢ will be assessed each month on any account whose invoice is less than \$10. The Billing Fee will go into effect on August 1, 2007.

First Communications appreciates your business and is committed to the highest quality customer care. If you have questions please contact Customer Service at 1-800-569-8700 during business hours of 9 AM to 6 PM (EST) Monday through Friday.

Tariff File Number: JX-2007-0217

Company Name: First Communications, LLC

Effective Date: 11/7/07

Purpose and Summary of Filing: First, a competitive interexchange telecommunications company, proposes to introduce Middle East Saver and 10-10-5200 residential plans that offer presubscribed long distance, casual calling, travel card and toll-free calling. First also proposes to introduce a monthly recurring charge of \$2.95 for RSL Integrated, Transpoint, and Premier Business calling plans. Staff reviewed the customer notice and found it acceptable.

Telecommunications Staff Review completed by: Lisa Mahaney Date: 10/24/07

Telecommunications Managerial Staff Review completed by: WLW Date: 10/24/07

Legal Staff Review completed by: WKH Date: 10/24/07

The Staff states that the tariff meets the requirements of all applicable statutes, specifically, one or more of the following: Sections 392.200(8), (12); 392.245; 392.455(3), (4); 392.515(1) and 392.500(2) RSMo. In addition, the tariff filing does not conflict with the following Commission rules: 4 CSR 240-3.545 (4), (6), (7), (8 C,G,H), (9), (15), (16), (19); 4 CSR 240-31.065(1), (2), (3); 4 CSR 240-32.150(5), 32.160(1), (2), 32.190; 4 CSR 240-33.040(4), 33.045(2), 33.050(4) and 33.070(2).

The Staff is unaware of any other filing which affects or which would be affected by this tariff filing. Staff has no objections to the filing.

☒ The Company is not delinquent.

☐ The Company is delinquent (☐ filing an annual report ☐ paying PSC assessment)