

FILED

BEFORE THE PUBLIC SERVICE COMMISSION FEB 3 2003
STATE OF MISSOURI

Missouri Public
Service Commission

In Re the matter of VarTec Telecom, Inc.d/b/a)
Clear Choice Communications proposed) Case No.
tariff to add new monthly usage fees.) Tariff No. JX-2003-1355

**OFFICE OF THE PUBLIC COUNSEL'S MOTION TO SUSPEND
TARIFF AND FOR EVIDENTIARY AND PUBLIC HEARINGS**

The Office of the Public Counsel (Public Counsel) respectfully asks the Public Service Commission of Missouri to suspend the proposed tariff of VarTec Telecom, Inc. d/b/a/ Clear Choice Communications (the Company) introducing and establishing two new monthly usage charges for the Company's customers in Missouri one for \$1.95 and the other for \$2.95 depending on the type of intrastate long distance service. The tariff fails to disclose the purpose of the "usage" charge. The tariff filing lacks the required summary that discloses the effect of the proposed tariff. Public Counsel is concerned that these usage charges may be access recovery charges similar to the ones adopted by AT&T, MCI WorldCom and Sprint. Excel Communications, Inc. had proposed a similar recovery charge, but withdrew it upon objection by Public Counsel. Excel is a subsidiary company of VarTec Telecom, Inc. since 2001.

A. Public Counsel states that the proposed charge is vague, confusing, and drafted in a manner that makes it difficult to determine on what basis and how the charge will be imposed and which customers are going to be assessed the charge

B. Public Counsel states that the tariff violates PSC Rule 4 CSR 240-30.010 (25) because the Company at the time of the filing of the tariff failed to provide a summary of not more than 100 words on the effect of the proposed tariff and failed to

disclose the purpose of the tariff, especially whether or not the new charges are designed to recover access charges. The information provided with the tariff and the vagueness and lack of any discussion of the month usage fees illustrate that non-compliance with the Commission's rule mandating a summary is detrimental to the public interest.

C. Although the charges are labeled a "monthly usage fee" both fees appear to be flat rated fees that are assessed to an account rather than on actual customer usage of the service as measured by minutes of use.

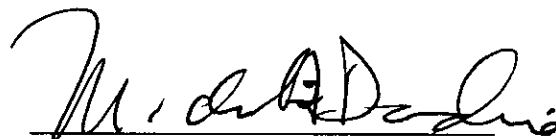
. The public interest is not served by allowing such surcharges to go into effect without the required disclosure of its effect required by PSC rule and without an examination into whether such rates and surcharges are proper, reasonable, and just or are discriminatory after the purpose of the fees are disclosed.

For the foregoing reasons, Public Counsel asks the PSC to suspend the tariff and set this matter for an evidentiary hearing. In addition, Public Counsel asks the PSC to hold a public hearing on the broad impact this tariff has on Missouri toll customers.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

BY:



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was emailed or hand delivered this 3rd day of February, 2003 to the following:

General Counsel
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

Ben Boaitey, Regulatory Analyst II
VarTec Telecom, Inc.d/b/a Clear Choice
1600 Viceroy Drive
Dallas, TX 75235

Michael G. Hoffman
VarTec Telecom, Inc. d/b/a Clear Choice Communication
1600 Viceroy Drive
Dallas, TX 75235

A handwritten signature in black ink, appearing to read "M. Hoffman", is written over a horizontal line.



VarTec Telecom, Inc.

January 20, 2003

VIA OVERNIGHT DELIVERY

RECEIVED

JAN 21 2003

*Records
Public Service Commission*

Mr. Dale Hardy Roberts
Secretary & Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street
Jefferson City, Missouri 65101

Re: Revisions to Missouri P.S.C. Tariff No. 1
VarTec Telecom, Inc. d/b/a Clear Choice Communications®

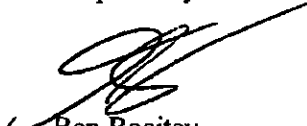
Dear Mr. Roberts:

Transmitted herewith on behalf of VarTec Telecom, Inc. d/b/a Clear Choice Communications® ("VarTec") is an original and three (3) copies of the Company's proposed revisions to its Missouri Public Service Commission Tariff No. 1 currently on file with the Commission. Enclosed please find the following revised tariff pages: First Revised Page No. 3.1, Tenth Revised Page No. 4, Original Page No. 37.5, Fourth Revised Page No. 41.3 and Original Page No. 45.3.

The purpose of this proposed tariff filing is to introduce Clear Choice's FiveLine® Service, as well as introduce a monthly access fee to the Company's New 10 TimeSM and 5 TalkSM Services. VarTec respectfully requests an effective date of February 21, 2003 for these proposed revisions. Customers will be informed of these proposed rate changes as required by the Commission.

Acknowledgment and date of receipt of this filing are requested. Please date and file stamp the attached copy of this correspondence and return it to the Company in the enclosed pre-addressed, postage prepaid envelope. Please direct any questions or correspondence regarding this filing to the undersigned directly at (214) 424-1713.

Respectfully submitted,


Ben Boaitey
Regulatory Analyst II

cc: Becky Gipson, Director
Regulatory Affairs Department

TELECOMMUNICATIONS SERVICES TARIFF

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ISSUED: January 21, 2003

EFFECTIVE: February 21, 2003

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TELECOMMUNICATIONS SERVICES TARIFF

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TELECOMMUNICATIONS SERVICES TARIFF

3.0 DESCRIPTION OF SERVICES (Continued)

3.3 FiveLine® Service

CCC's FiveLine® Service (non-operator assisted, direct dial) is intended for residential Customers for calling within the State of Missouri. Customers access FiveLine® Service by dialing 1 + (area code when necessary) + NXX-XXXX if they have selected CCC as their primary interexchange carrier. When CCC is not the presubscribed interexchange carrier, Customers can access FiveLine® Service by dialing 10XXX + 1 + area code (if required) + NXX-XXXX. In order to receive CCC's FiveLine® Service usage rates, however, the Customer must be entered into the CCC billing database prior to utilizing this service. Calls are routed over Carrier's transmission and switching facilities to any valid NPA-NXX. Rates and charges for CCC's FiveLine® Service are set forth in Section 4.2.8 following:

(N)

(N)

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TELECOMMUNICATIONS SERVICES TARIFF

4.0 RATE SCHEDULES (Continued)

4.2 Service Rates (Continued)

4.2.1 Basic One Plus Service Rates (Continued)

4.2.1.5 New 10 TimeSM Service

CCC offers the New 10 TimeSM Service which has the same features and benefits as CCC's Basic One Plus Service as listed in Section 3.2.1, but with a ten cent (\$.10) per minute rate. The service is intended for all new CCC Customers.

A three (3) minute minimum will apply to each completed call, and thereafter, Customers shall be billed at sixty (60) second increments.

As of February 21, 2003, a monthly usage fee of \$1.95 will be billed to all Customers of CCC's New 10 TimeSM Service in each calendar month in which the Customer uses CCC's New 10 TimeSM Service.

(N)
|
(N)

4.2.1.6 5 TalkSM Service

CCC offers the 5 TalkSM Service which has the same features and benefits as CCC's Basic One Plus Service as listed in Section 3.2.1, but with a fifteen cent (\$.15) per minute intrastate rate.

A three (3) minute minimum will apply to each completed call, and thereafter, Customers shall be billed at sixty (60) second increments.

As of February 21, 2003, a monthly usage fee of \$2.95 will be billed to all existing Customers of CCC's 5 TalkSM Service, and all new Customers as of this date will be billed the monthly usage fee of \$2.95 after the initial two (2) calendar months from their first use of the service (e.g., if a new Customer uses the 5 TalkSM Service for the first time on March 16, 2003, the first monthly usage fee would be assessed for May 2003 usage). The monthly usage fee will be billed in each calendar month in which the Customer uses CCC's 5 TalkSM Service.

(N)
|
(N)

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TELECOMMUNICATIONS SERVICES TARIFF

4.0 RATE SCHEDULES (Continued)

4.2 Service Rates (Continued)

4.2.8 FiveLine® Service - Intrastate Usage Rates

(N)

Customers of CCC's FiveLine® Service will be billed at the following per minute usage rates regardless of mileage and/or time of day:

Day/Evening/Night/Weekend	\$0.0500
---------------------------	----------

A ten (10) minute minimum will apply to each completed call, and thereafter, Customers shall be billed at sixty (60) second increments.

A monthly usage fee of \$2.95 will be billed to all Customers of CCC's FiveLine® Service in each calendar month in which the Customer uses CCC's FiveLine® Service.

(N)

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