# BEFORE THE PUBLIC SERVICE COMMISSION STATE OF MISSOURI

In the Matter of Time Warner Cable Information Services (Missouri), LLC's Request for Expedited Approval of a Local Market Trial Tariff.

) Case No. YL-2004-1235

#### MOTION FOR EXPEDITED TREATMENT

Comes Now TIME WARNER CABLE INFORMATION SERVICES (MISSOURI), LLC ("TWCIS") and, pursuant to 4 CSR 240-2.065(2) and 4 CSR 240-2.080(16), hereby requests that the Missouri Public Service Commission (the "Commission") approve TWCIS's Local Market Trial tariff on an expedited basis.

In support of this Motion, TWCIS states as follows:

1. On March 2, 2004, the Commission granted TWCIS a certificate to provide local and interexchange telecommunications services in the State of Missouri. On April 9, 2004, TWCIS filed its proposed original tariff with the descriptions, regulations and rates applicable to the furnishing of services and facilities for packaged local and interexchange Digital Phone Service within the State of Missouri. The proposed tariff bears an requested effective date of May 24, 2004.

2. To facilitate its market entry, TWCIS would like to conduct a local market trial to test facilities and operating systems. TWCIS is submitting its proposed Local Market Trial tariff (a copy of which is attached as "Exhibit A") simultaneously with this pleading, as well its comprehensive proposed local and interexchange tariff.

3. TWCIS requests that the Commission approve its Local Market Trial tariff within ten (10) days or as soon thereafter as practicable.

4. TWCIS has been granted similar local and interexchange authority by the State of Kansas. TWCIS has recently begun a market trial similar to that contemplated by this request on the Kansas side of the Metropolitan Kansas City Area.

5. TWCIS believes its expeditious entry into the Missouri market is in the public interest for all of the reasons set forth in its Application. TWCIS further believes that it is in the public interest to avoid customer confusion by offering its services throughout the Metropolitan Kansas City Area simultaneously in both Kansas and Missouri. Allowing the local market trial to quickly commence in Missouri will further that goal.

6. As previously indicated, this pleading is being filed on the same date TWCIS filed its original proposed tariff. Thus, this motion is submitted at the earliest possible date.

**WHEREFORE**, for all of the foregoing reasons, TWCIS respectfully requests that the Commission grant this motion for expedited treatment.

Respectfully submitted,

# TIME WARNER CABLE INFORMATION SERVICES (MISSOURI), LLC

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April 9, 2004

Its Attorneys

#### **CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing Motion for Expedited Treatment has been transmitted by e-mail or mailed, First Class, postage prepaid, this 9th day of April, 2004, to:

Dana K. Joyce, Esq. Office of General Counsel Missouri Public Service Commission *djoyce@psc.mo.gov*  John B. Coffman, Esq. Office of Public Counsel Missouri Public Service Commission *jcoffman@ded.mo.gov* 

/s/ Paul S. DeFord

Attorney

# EXHIBIT "A"

[Local Market Trial Tariff]

# P.S.C. Mo. No. 1

Time Warner Cable Information Services (Missouri), LLC d/b/a Time Warner Cable

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ISSUED: April 9, 2004

EFFECTIVE: May 24, 2004

Issued by: Julie Y. Patterson, Secretary TIME WARNER CABLE INFORMATION SERVICES (MISSOURI), LLC 290 Harbor Drive Stamford, CT 06902

#### P.S.C. Mo. No. 1

Time Warner Cable Information Services (Missouri), LLC d/b/a Time Warner Cable

Original Sheet No. 50

5. <u>LOCAL MARKET TRIAL</u>. This Tariff, filed with the Missouri Public Service Commission, contains the descriptions applicable to the proposed furnishing of services and facilities for packaged local and interexchange digital phone services ("Digital Phone Services") within the State of Missouri by Time Warner Cable Information Systems (Missouri), LLC (herein, the "Company").

# 5.1 General.

- 5.1.1 **<u>Purpose</u>**. A market trial is intended to enable the Company to test its ability to provide Digital Phone Services by the Company which may eventually be made available as an optional feature to residential customers subscribing to the Company's high-speed cable modem data service and/or CPST or Digital Cable video television service. As a part of a market trial, the Company may need to test the capabilities of systems required by a proposed service, including, but not limited to, systems needed to establish, provision, operate, bill and/or collect for service, whether such systems are provided solely by the Company or in combination with systems provided by other carriers or vendors. A market trial is not an offer to provide service to the general public. This market trial will end on September 9, 2004.
- 5.1.2 **<u>Eligibility</u>**. A maximum of 500 targeted participants may subscribe to services offered as part of a local market trial.
- 5.1.3 <u>Availability</u>. Services subject to a local market trial are only available in exchanges where the Company has appropriate facilities in place.
- 5.1.4 <u>Services</u>. Residential services offered as part of a local market trial will include, but not be limited to, exchange services, interexchange access, nonrecurring charges, custom features (*e.g.*, custom calling, call control options, Caller ID, etc.), directory listings, operator services (*e.g.*, directory assistance, station collect, etc.) and E911.

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5.1.5 <u>**Rates</u>**. Residential services offered as part of a local market trial will be competitively priced with comparable services offered by the incumbent local exchange company.</u>

These rates may or may not reflect what the Company will actually be charging customers at the close of the market trial.

Various charges (*e.g.*, service order charges, installation charges, etc.) may be waived during the course of a market trial.

- 5.1.6 **<u>Payments</u>**. Billing and collection will be in accordance with all applicable Commission rules for services rendered as part of the local market trial.
- 5.1.7 <u>Liability of the Company</u>. The Company's liability, if any, for its willful misconduct is not limited by this Tariff. With respect to any other claim or suit, by a customer or by others, for damages associated with the installation, provision, termination, maintenance, repair or restoration of a service, the Company's liability, if any, shall not exceed an amount equal to the proportionate charge for the service for the period during which the service was affected.

The Company is not liable for any act or omission of any other communications provider which furnishes a portion of a service.

The Company shall be indemnified, defended and held harmless against any claims, actions, damages, losses, liabilities, costs and expenses, including reasonable attorneys' fees, arising from the use of services offered under this Tariff.

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