



Commissioners

SHEILA LUMPE  
Chair

M. DIANNE DRAINER  
Vice Chair

CONNIE MURRAY

ROBERT G. SCHEMENAUER

KELVIN L. SIMMONS

Missouri Public Service Commission

POST OFFICE BOX 360  
JEFFERSON CITY, MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
<http://www.psc.state.mo.us>

August 8, 2000

BRIAN D. KINKADE  
Executive Director

GORDON L. PERSINGER  
Director, Research and Public Affairs

WESS A. HENDERSON  
Director, Utility Operations

ROBERT SCHALLENBERG  
Director, Utility Services

DONNA M. KOLILIS  
Director, Administration

DALE HARDY ROBERTS  
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE  
General Counsel

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

RE: Case No. TX-2001- 73

Dear Mr. Roberts:

Enclosed for filing in the above-captioned case are an original and eight (8) conformed copies of a **MOTION FOR FINDING OF NECESSITY FOR RULEMAKING**.

This filing has been mailed or hand-delivered this date to all counsel of record.

Thank you for your attention to this matter.

Sincerely yours,

Marc D. Poston  
Senior Counsel  
(573) 751-8701  
(573) 751-9285 (Fax)

MP/lb  
Enclosure  
cc: Counsel of Record

FILED<sup>2</sup>  
AUG 08 2000

Missouri Public  
Service Commission

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

FILED<sup>2</sup>

AUG 08 2000

Missouri Public  
Service Commission

In the Matter of Proposed New Rules on )  
Prepaid Calling Cards )

Case No. TX-2001- 73

MOTION FOR FINDING OF NECESSITY FOR RULEMAKING

COMES NOW the Staff of the Missouri Public Service Commission (Staff), by and through its Office of General Counsel, and for its Motion for Finding of Necessity for Rulemaking states as follows:

1. Prepaid calling cards are a telecommunications service that enables customers to originate calls through an access number and authorization code.
2. As interexchange carriers are certificated in Missouri to provide prepaid calling services, more tariffs are including charges to be deducted from prepaid calling cards. For instance, the per-minute rate for a call may be a flat rate that is separate from the various surcharges that are deducted from the prepaid calling card. As a result, the consumer is in effect actually paying a much higher charge than the per-minute rate.
3. It has come to the Staff's attention on several occasions that carriers advertise prepaid calling cards at the minimal per-minute charge and do not disclose the additional charges that increase the actual per minute rate.
4. This proposed rulemaking establishes customer disclosure requirements, establishes the qualifications for and responsibilities of the prepaid calling card company and establishes standards for prepaid calling services. The rulemaking would add new rules to Chapter 32 of the Commission's rules.

5. Section 536.016 RSMo. Supp. 1999 provides that a state agency shall propose rules based upon "a finding by the agency that the rule is necessary to carry out the purposes of the statute that granted such rulemaking authority."

6. The Commission's authority to promulgate the new rules is pursuant to Sections 386.040, 386.250, 392.200, 392.220, and 392.240 RSMo. 1994.

7. Section 386.610 RSMo 1994 provides that the provisions of the Public Service Commission Law shall be liberally construed with a view to the public welfare, efficient facilities and substantial justice between patrons and public utilities. Section 392.185 RSMo Supp. 1999 provides, in part, that Chapter 392 shall be construed to allow full and fair competition to function as a substitute for regulation "when consistent with the protection of ratepayers and otherwise consistent with the public interest."

WHEREFORE, the Staff of the Missouri Public Service Commission respectfully requests that the Commission find that the proposed rulemaking is necessary to protect consumers of prepaid calling card services.

Respectfully submitted,

DANA K. JOYCE  
General Counsel

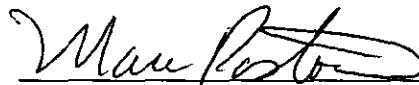


Marc Poston  
Senior Counsel  
Missouri Bar No. 45722

Attorney for the  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 751-8701 (Telephone)  
(573) 751-9285 (Fax)

### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 8th day of August 2000.



**Service List for**  
**Case No. TX-2001-\_\_**  
**August 8, 2000**

**Office of the Public Counsel**  
**P.O. Box 7800**  
**Jefferson City, MO 65102**