

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

In the Matter of a the Public Counsel's Petition)	
for Promulgation of Rules Relating to Disclosure)	
of Information and Customer Notices Relating to)	Case No. TX-2003-0237
Changes in Rate Schedules and Terms and)	
Conditions of Service for Telecommunications)	
Companies.)	

**SBC MISSOURI'S CONCURRENCE WITH
STAFF RESPONSE**

SBC Missouri¹ respectfully wishes to advise the Missouri Public Service Commission of its concurrence with the views expressed by Staff in its March 27, 2003 Response concerning the Office of the Public Counsel's ("OPC's") proposed changes to the tariff summary currently required under 4 CSR 240-30.010(25).

1. In its Response, Staff indicates that it disagrees with much of the language OPC has proposed to amend 4 CSR 240-30.010(25). Specifically, Staff disagrees with the language OPC proposes that would expand the required tariff summary.

2. Currently, 4 CSR 240-30.010(25) provides that proposed tariff changes "shall be accompanied by a brief summary, approximately one hundred (100) words or less, of the effect of the change on the company's customer. . . ." In its proposed rule, OPC seeks to expand the summary by adding the following language to the rule:

The summary shall identify each product or service that will be affected by the proposed change and shall identify the change in the terms and conditions that the company proposes for that product or service, including any change or adjustment in the price or fee for that product or service. For each change or adjustment in prices or fees, the summary shall identify (1) the current price or fee, (2) the

¹ Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, will be referred to in this pleading as "SBC Missouri" or "SBC."

proposed price or fee, (3) whether the change or adjustment results in an increase or decrease in price and (4) the percentage change in price. . . .²

3. Staff proposes opposes OPC's proposed expansion of the tariff summary, explaining that

"This language is excessive and results in the company rewriting the tariff in a cover letter. This is especially true for filings that include multiple or extensive changes. Since the tariff is the controlling document, the cover letter should serve as a notification of the changes in the tariff."³

4. SBC concurs with Staff's assessment. OPC's proposed change is neither practical nor consistent with the purpose of the summary. As should be clear from the 100-word limit the rule places on tariff summaries, the purpose is to briefly describe the effect of the tariff change on the company's customers, not to detail those changes. As provided in the rule, such detail is to be laid out in the tariff filing: "all changes in rates, charges or rentals or in rules that affect rates, charges or rentals, shall be filed with the Commission. . . ." As Staff correctly explains, the tariff summary's purpose is to "serve as a notification of the changes in the tariff," and that expanding the summary as OPC proposes would result "in the company rewriting the tariff in the cover letter."

5. OPC also disagrees with Staff concerning the use of tariff cover letters. OPC claims that tariff cover letters, which carriers have been using for numerous years, cannot satisfy the rule's requirement for a summary. OPC states that "the summary is the required document"

² See, OPC's Petition for the Promulgation of Rules Relating to the Disclosure of Information in Customer Notices Relating to Changes in Telecommunications Tariffs 4 CSR 240-30.010(25), Case No. TX-2003-0237, filed January 13, 2003.

³ Staff's Response to Second Order Directing Filing, Case No. TX-2003-0237, filed March 27, 2003 at p. 2.

and, citing 4 CSR 240-30.080(9), asserts that the “cover letter” is only a transmittal form to identify the subject matter and should not contain substantive matter for Commission decision.”⁴

6. OPC is mistaken. 4 CSR 240-30.080(9) has no application to tariff filings.


Rather, that Commission rule pertains only to pleadings:

Each pleading may be accompanied by a cover letter which state the subject matter. This cover letter shall contain no matter for Commission decision. (emphasis added).

7. SBC Missouri also concurs with Staff that certain aspects of 4 CSR 240-30.010(25) are outdated and need updating. However, the Commission should defer such efforts to the more comprehensive effort being undertaken by Staff. In reviewing Staff’s March 27, 2003 Response, it is apparent that Staff has dedicated a considerable effort to broadly reviewing all of its rules (not just this one) and is on the verge of proposing a more comprehensive updating of its rules. It would appear from Staff’s description of its efforts that it not only has taken the issues OPC raises into consideration, but has also taken into account changes in law and the many process improvements the Commission has implemented since the rules were last revised.

Respectfully submitted,

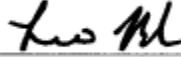
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⁴ See, OPC’s Reply, Case No. TX-2003-0237, filed March 28, 2003.

CERTIFICATE OF SERVICE

Copies of this document were served on the following parties by e-mail on April 7, 2003.

A handwritten signature in black ink, appearing to read "Leo J. Bub", is written over a horizontal line.

Leo J. Bub

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