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  Prinicipal

March 31, 2004

Hon. Dale Hardy Roberts
Secretary, Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

RE: Case No. TX-2001-0512

Dear Judge Roberts:

Thank you for the opportunity to submit comments regarding the proposed rules and amendments to Chapter 33 as published in the March 1 and March 15, 2004 editions of the *Missouri Register*. MCI's proposed deletions are indicated by [ ] and insertions are in **bold**.

4 CSR 240-33.020

Subsection (7) should be changed to read:

Casual Calling Customer is a[n unidentifiable] customer that accesses the telephone network by a dial around pattern such as 10-10-XXX.

Subsection (31) should be changed to read:

Transient customer is a user [that is an unidentifiable customer] that accesses telecommunications services through the use of a traffic aggregator such as payphones or hotels.

COMMENT: MCI recommends these changes because there may be current or former customers, as opposed to unidentifiable customers, who choose to occasionally use calling methods such as 10-10-XXX.

4 CSR 240-33.040

Subsection (4) should be changed to read:

Bill inserts, bill messages, **electronic mail** and direct mailings are acceptable forms of customer notice.

COMMENT: This change would allow the use of e-mail as an acceptable form of customer notification. Many customers prefer e-mail as their primary choice of business communication. Furthermore, e-mail is the primary method of communication with customers who receive their bills electronically.

4 CSR 240-33.060

Subsection (1) should be changed to read:

[(1) All bills shall clearly identify the company name associated with the toll free number the customers will be calling for billing inquiries and/or to cancel their previously granted consent to certain services that will be charged on the telephone bill.]

COMMENT: This requirement is redundant of a similar provision already contained in 4 CSR 240-33.040(8)(K). It is not clear what customer benefit is achieved through the requirement to provide a specific company name in addition to the toll free number. Additionally, the company name may identify a calling center providing services to several billing carriers, in which case customers would still have to identify the specific services in question in order to resolve the dispute.

Subsection (3) should be changed to read:

Upon request of a customer by electronic communications or by writing, all **local exchange** telecommunications carriers shall restrict all **direct-dialed (*i.e*. 1+ dialed)** 900 numbers from that customer's number at no charge to that customer.

COMMENT: This function is performed by the local exchange carrier, not by an interexchange carrier and can only be executed on 1+ dialed calls to a 9XX NPA.

Subsection (4) should be changed to read:

Upon request of a customer by electronic communications or by writing, the telecommunications carrier providing **inmate-calling** service**s** to state correctional facilities shall restrict all calls**, where technically feasible,** from state correctional facilities to that customer's number at no charge to that customer.

COMMENT: The intent of the Commission's rule is to prevent calls to a number by inmates in a correctional facility. MCI's proposed language clarifies that intent.

Subsection (5) should be changed to read:

Upon request of a customer by electronic communications or by writing, all interexchange telecommunications carriers shall restrict all toll calls without a valid passcode from that customer's number **where technically feasible.**

 COMMENT: MCI has the ability to block toll calls (*i.e.* 1+ calls) from a customer's phone number. However, MCI does not have the technical ability to block toll calls but permit access to the toll network via a passcode. The rule should be changed to recognize that toll providers may not have the ability to selectively allow toll access via a passcode. MCI notes that this suggested change is similar to the "where technically feasible" language proposed by the Commission in subsection (6). MCI has the ability to block all toll traffic (1+, 10-10-XXX, etc.) but it does not have the ability to selectively block such traffic.

Subsection (7) should be changed to read:

Customers should be **initially** notified of their rights [in] **under** Sections 3, 4, 5 and 6 above at the time of application for service **or in the fulfillment materials provided to the customer.** Additional notice shall be provided annually thereafter by bill insert, statement on customer bills or annually in the telephone directory. [Each time a customer notifies a telecommunications carrier or its billing agent that the customer's bill contains charges for products or services that the customer did not order or that were not received, the customer will be informed of their rights in Sections 3, 4, 5 and 6 at the time the customer notifies the telecommunications carrier or its billing agent.]

 COMMENT: Many customers apply for service by telephone, and a requirement to review these rights at that time on the telephone would be burdensome to both customers and carriers. This change clarifies that carriers may initially notify new customers in writing following application for service, or may use various customer communications (such as a "welcome kit" or "fulfillment package" or other methods).

 The additional requirement to notify customers about each one of these rights during every subsequent customer contact is extremely burdensome, and, in many cases, inconsistent with what the customer would be calling about. Customers would likely perceive this as a waste of their time. The rule already requires carriers to perform the services outlined in section (3), (4), (5) and (6) upon customer request. Fulfilling these requirements should fully meet the customer's needs.

4 CSR 240-33.070

Subsection (10) should be changed to read:

If service is immediately blocked or discontinued pursuant to Section (9) above, the telecommunications carrier will provide immediate written notification of such blocking or discontinuance to the customer by certified, overnight mail**, regular mail**

accompanied by at least three attempts per day for three days to reach the customer by phone or door hanger.

COMMENTS: The requirement to notify the customer as soon as possible is understandable. Use of the method proposed by MCI would accomplish this goal, as would the methods proposed by the Commission. MCI would note, however, that employing certified mail may result in a delayed notification because the customer would have to sign for the letter as opposed to receiving it without otherwise having to sign for it. Using certified mail may also be problematic because there will no doubt be instances where a customer places toll calls with no intention of paying his or her bill. Such a customer may refuse to sign for the certified letter, resulting in the letter being returned to the carrier as "Undeliverable" and then claiming they were never notified their service was blocked or discontinued.

4 CSR 240-33.080

Subsection (1) should be changed to read:

[(1) All bills shall clearly identify the company name associated with the toll free number the customer will be calling for billing inquiries.]

COMMENTS: Please refer to MCI's comments following 4 CSR 240-33.060(1).

4 CSR 240-33.110

Subsection (3)(A) should be changed to read:

(3)(A) The company shall acknowledge receipt of inquiries related to denial or discontinuance of service issues within [twenty-four (24) hours] **one business day.**

COMMENTS: This suggested change still requires prompt notification of Commission staff, but recognizes that inquiries can be received at the end of the business day on Friday, and that neither commission staff or appropriate company personnel may routinely be available on weekends.

Very truly yours,

/s/ Carl J. Lumley

Carl J. Lumley

cc. Office of Public Counsel
General Counsel