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April 14, 2005

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

RE: Case No. TX-2005-0258

Dear Judge Roberts:

We are filing these comments on behalf of MCI. Thank you for the opportunity to submit comments regarding proposed rules in Chapter 33 as published in the March 15, 2005 edition of the *Missouri Register*. MCI's comments are concerned with subsections (4) and (5) of the proposed rule. Our comments regarding the recommended changes are as follows:

4 CSR 240-33.045(4)

MCI objects to proposed rule 4 CSR 240-33.045(4), which states that "[t]he presence of a charge in a currently effective tariff is not evidence, in and of itself, that the charge is authorized or mandated by the commission." This language effectively negates the tariff process. A currently effective tariff means that the charge is authorized by the Commission; the Commission either specifically approved the tariff or let it go into effect by operation of law. This sentence should be stricken from the rule as it is not true as a matter of law.

4 CSR 240-33.045(5)

MCI objects to proposed rule 4 CSR 240-33.045(5), because it would allow the Commission to remove a charge in a valid, effective tariff that the Commission deems violates this rule, which it may not do under the law. The Commission must hold a hearing and then determine whether a tariff is unlawful, rather than order such tariff

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changed or stricken as a result of a complaint. Any new tariff filing must be reviewed on the basis of whether it is lawful and reasonable. MCI recommends that this section be deleted in its entirety.

MCI also concurs in the comments of the MTIA. Please feel free to contact me should you have any questions regarding this matter. If you have any questions, please contact me at 314-725-8788 or Stephen F. Morris at 512-495-6727.

Very truly yours

/s/ Leland B. Curtis

Leland B. Curtis

cc. Office of Public Counsel
General Counsel