



Missouri Public Service Commission

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March 27, 2001

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Secretary/Chief Regulatory Law Judge

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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- 512

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,

Eric William Anderson
Assistant General Counsel
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EWA:ccl
Enclosure
cc: Counsel of Record

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

FILED²

MAR 27 2001

*Missouri Public
Service Commission*

In the Matter of Proposed Amendments to)
Commission Rule 4 CSR 240-33.010,)
33.020, 33.030, 33.040, 33.060, 33.070,)
33.080, 33.110, and 33.150.)

Case No. TX-2001- 512

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, pursuant to section 536.016 RSMo 2000, and for its Motion for Finding of Necessity for Rulemaking states as follows:

1. Section 536.016 RSMo 2000 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."

2. On August 31, 2000, the National Association of Regulatory Utility Commissioners (NARUC) submitted "Truth-in-Billing" Model Rules to each state commission. The Model Rules were developed by a NARUC working group charged with the responsibility to "examine the growing problem of 'confusing and misleading telephone billing practices. The deliverable of the working group was a set of recommended model rules to be used as a template for each state to use in customizing its own state rules. The issues presented by the model rules were: Minimum or Required Billing Interval, Format of Balance Due, Rate Change Notification, Identification of Which Charges Must Be Paid to Preclude Disconnection, Billing Block Options, Rescission Period Option, Procedure for Removal of Unauthorized Charges, Billing Agent

Obligations, Truth in billing for business customers, and Time limits for Response to Complaints.

Staff has reviewed the proposed model rules and performed a comparison of the model rules with the existing rules in 4 CSR 240 – Chapter 33, Service and Billing Practices for Telecommunications Companies. Staff recommends that the current Chapter 33 rules be modified to provide rule provisions that more closely match the model rules proposed by NARUC. In addition, while going through the process, it became evident that certain parts of the existing Chapter 33 rules need clarification or modification. These changes will be incorporated in this Chapter 33 revision of 4 CSR 240-33.010 General Provisions, 33.020 Definitions, 33.030 Minimum Charges Rule, 33.040 Billing and Payment Standards for Residential Customers, 33.060 Residential Customer Inquiries, 33.070 Discontinuance of Service to Residential Customers, 33.080 Disputes by Residential Customers, 33.110 Commission Complaint Procedures, and 33.150 Verification of Orders for Changing Telecommunications Service Provider. These changes to the rules should allow consumers a better understanding of their bill and the ability to control what type of calls are made from their telephone or what items are charged on their telephone bill.

3. The Commission's authority to promulgate rules in 4 CSR 240-33.010, 33.020, 33.030, 33.040, 33.060, 33.070, 33.080, and 33.110 is pursuant to sections 386.040, 386.250 and 392.200 RSMo 2000. The Commission's authority to promulgate rules in 4 CSR 240-33.150 is pursuant to Sections 386.040, 386.250, 392.200, and 392.540 RSMo 2000. In particular section 386.250(6) authorizes the Commission to adopt rules that prescribe the conditions of rendering public utility service, disconnecting or refusing to reconnect public utility service and billing for public utility service.

4. Staff has received preliminary information from the industry stating that aspects of proposed rule 33.060 will have a significant fiscal impact.

5. Section 386.610 RSMo 2000 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 2000 provides, in part, that Chapter 392 shall be construed to:

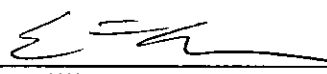
- (1) Promote universally available and widely affordable telecommunications services;
- (2) Maintain and advance the efficiency and availability of telecommunications services;
- (3) Promote diversity in the supply of telecommunications services and products throughout the state of Missouri;
- (4) Ensure that customers pay only reasonable charges for telecommunications service;
- (5) Permit flexible regulation of competitive telecommunications companies and competitive telecommunications services;
- (6) 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;
- (7) Promote parity of urban and rural telecommunications services;
- (8) Promote economic, educational, health care and cultural enhancements; and
- (9) Protect consumer privacy.

Section 392.200 RSMo 2000 provides that every telecommunications company will offer adequate service with just and reasonable charges.

WHEREFORE, the Staff respectfully request that the Commission find that the proposed rulemaking is necessary to maintain and advance the efficiency and availability of telecommunications services in that these changes to the rules should allow consumers a better understanding of their bill and the ability to control what type of calls are made from their telephone or what items are charged on their telephone bill.

Respectfully submitted,

DANA K. JOYCE
General Counsel

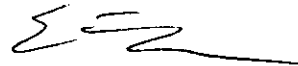


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Certificate of Service

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 27th day of March 2001.



**Service List for
Case No. TX-2001-__
March 27, 2001**

**Office of the Public Counsel
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