

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

In the Matter of the Revised Tariff Filing of Birch	)	
Telecom of Missouri, Inc. to Increase the Rates of	)	<b><u>Case No. CT-2005-0402</u></b>
Certain of its Services	)	<b><u>Tariff No. YC-2005-0975</u></b>

**ORDER APPROVING UNCONTESTED EXPEDITED TARIFF**

On May 10, 2005, Birch Telecom of Missouri, Inc. filed a motion for expedited treatment regarding a tariff that it filed along with its motion. The motion explained that Birch had filed a tariff on May 5 to increase the rates it would charge for certain competitive services. Birch's tariff indicated that it would take effect on May 15. However, that tariff filing also included other, non-rate related items for which 30 days notice is required. On that basis, the Commission's Data Center rejected the entire tariff filing on May 10 at 7:57 a.m. Birch refiled the rate-related portion of the tariff at 3:26 p.m. on that same day, along with the motion for expedited treatment requesting that the refiled tariff be allowed to go into effect on its original effective date of May 15.

Birch's motion explains that it is essential that the rate increases proposed in the tariff go into effect on the original May 15 effective date. Birch's customers have already been notified that their rates will increase on that date, and Birch's billing system has already been changed to start charging the new rates on that date.

At the direction of the Commission, Staff filed a recommendation regarding the proposed tariff on May 11. Staff recommends that the Commission grant Birch's request for expedited treatment and approve the tariff to be effective on May 15.

Section 392.500(2) RSMo 2000 allows a competitive company, such as Birch, to raise its rates for competitive services at any time after giving at least ten days notice to the Commission by filing a tariff with a ten-day effective date. The statute also requires the company to give at least ten days notice to its customers. In this case, Birch informed the Commission that it intended to raise its rates when it filed its original tariff on May 5. Although that original tariff was rejected on other grounds, it gave the Commission the required notice and satisfied the requirements of the statute. Birch had previously provided the statutorily required notice to its customers, and that notice was not affected by the rejection and resubmission of the tariff. Under the circumstances, the Commission and Birch's customers have received the notice and protections to which they are entitled by law and it is appropriate to approve the resubmitted tariff to be effective on May 15.

**IT IS THEREFORE ORDERED:**

1. That the following tariff sheets filed May 10, 2005, and assigned Tariff No. YC-2005-0975, are approved to become effective on May 15, 2005:

**Missouri P.S.C. No. 3**

**Local Exchange Tariff**

23rd Revised Check Sheet No. 1, Replacing 22nd Revised Check Sheet No. 1  
11th Revised Sheet No. 62.01.2, Replacing 10th Revised Sheet No. 62.01.2  
4th Revised Sheet No. 62.01.3.2, Replacing 3rd Revised Sheet No. 62.01.3.2  
1st Revised Sheet No. 62.01.3.5, Replacing Original Sheet No. 62.01.3.5  
5th Revised Sheet No. 63.02, Replacing 4th Revised Sheet No. 63.02  
3rd Revised Sheet No. 63.07, Replacing 2nd Revised Sheet No. 63.07  
4th Revised Sheet No. 63.08, Replacing 3rd Revised Sheet No. 63.08  
2nd Revised Sheet No. 63.11, Replacing 1st Revised Sheet No. 63.11

2. That this order shall become effective on May 15, 2005.

3. That this case may be closed on May 16, 2005.

**BY THE COMMISSION**

**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

( S E A L )

Morris L. Woodruff, Senior Regulatory Law  
Judge, by delegation of authority pursuant to  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 12th day of May, 2005.