

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

In the matter of the application of  
American Operator Services, Inc. for a  
certificate of service authority to  
provide Intrastate Operator-Assisted  
Resold Telecommunications Services.

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) Case No. TA-88-218  
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)

In the matter of Teleconnect Company  
for authority to file tariff sheets  
designed to establish Operator Services  
within its certificate service area  
in the State of Missouri.

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) Case No. TR-88-282  
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In the matter of Dial U.S. for  
authority to file tariff sheets  
designed to establish Operator Services  
within its certificated service area  
in the State of Missouri.

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) Case No. TR-88-283  
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In the matter of Dial U.S.A. for  
authority to file tariff sheets  
designed to establish Operator Services  
within its certificate service area  
in the State of Missouri.

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) Case No. TR-88-284  
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In the matter of International  
Telecharge, Inc. for authority to file  
tariff sheets designed to establish  
Operator Services within its  
certificate service area in the State  
of Missouri.

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) Case No. TR-89-6  
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**REPLY BRIEF OF OPERATOR ASSISTANCE NETWORK**

Operator Assistance Network ("OAN"), by its undersigned  
counsel, hereby submits this brief in reply to issues raised by  
American Operator Services, Inc. ("AOSI") in its brief and in the  
brief of the Staff of the Public Service Commission of Missouri.  
Both AOSI and the Staff assert that, as a condition of providing

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operator services in Missouri, the Operator Service Provider's ("OSP's") name, rather than that of the OSP's billing agent, must be listed on the local exchange carrier's ("LEC's") telephone bills. Neither AOSI nor the Staff supports this assertion in a convincing fashion. Indeed, the Staff has made no argument at all in support of its position, but has chosen instead to reserve its arguments supporting its recommendation until it files its reply brief. AOSI, for its part, merely cites unspecified consumer confusion and the possibility that "unscrupulous providers" may be able to operate as support for its position. Neither party has refuted, or even cited, testimony in the record refuting such arguments. As OAN demonstrated in its initial brief, the proposed requirement is unnecessary, infeasible, and burdensome to competition. The unsupported arguments of AOSI and Staff lack merit, and their proposed requirement should therefore be rejected.

I. AOSI's Assertions Are Unsupported By  
The Record And Should Be Rejected

AOSI asserts that a requirement that the OSP's name, instead of the name of its billing agent, must be included on the caller's telephone bill is necessary to prevent "substantial customer confusion." Post-Hearing Brief of Applicant American Operator Services, Inc. at 41. AOSI states that Dennis. L. Ricca, Manager of Regulatory Affairs for Teleconnect (which submits call records to LECs through its agent, OAN, for billing and whose name

therefore does not appear on LEC bills), admitted that Teleconnect's proposed services could lead to "substantial consumer confusion." Id. AOSI further argues that inclusion of the OSP name on the LEC bill is necessary to "reinforce the protection of the caller from unscrupulous providers." Id. at 43.

As OAN demonstrated in its initial brief, the requirement to list the OSP's name on a caller's bill is unnecessary. See Brief of Operator Assistance Network at 5-8. Because of the billing inquiry service provided by the LECs, for which OAN contracts on behalf of its clients, the requirement is simply not necessary to protect consumers: consumers can obtain the information they need and resolve most complaints with but a single call to the LEC, who has the information necessary to resolve consumer questions about the fact that OAN's name, as agent, appears on their bill.<sup>1/</sup> OAN's initial brief further demonstrated to the Commission that the requirement is technically infeasible given technical constraints in LEC billing systems and would burden OSPs and impair competition. Id. at 8-10.

Moreover, OAN takes strong exception to AOSI's unfounded assertion that inclusion of the OSP's name on a telephone bill,

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<sup>1/</sup> Contrary to AOSI's characterization, Mr. Ricca did not testify that the fact that Teleconnect's name is not on the bill would cause "substantial confusion." On the contrary, Mr. Ricca testified that LECs, who perform inquiry service on behalf of Teleconnect, are provided with sufficient information to eliminate any confusion which may arise. (Tr. at 303-4.)

instead of its billing agent's, is necessary to protect consumers against "unscrupulous providers." There has been absolutely no record evidence in this proceeding that Teleconnect, who bills through OAN, is "unscrupulous," or that OAN provides service for "unscrupulous providers," or would ever choose to provide service for "unscrupulous providers." The Commission should ignore AOSI's unfounded, gratuitous, and disparaging remarks. The Commission should instead rule that the proposed requirement is unnecessary.

II. Commission Staff Has Failed To Support Its Proposed Requirement

The Commission Staff has declined to present any argument in its brief to support its proposed requirement that an OSP's name, instead of its billing agent's, must be listed on telephone bills. The Staff has failed to make any argument because it believes its proposals are not "controversial." Initial Brief of the Staff of the Public Service Commission of Missouri at 6. The Staff, however, clearly anticipates that certain of its proposed requirements will be challenged in the initial briefs of other parties, expressly noting that it expected that "differences of opinion" with respect to certain of its proposals would be raised in initial briefs. Id.

The Staff was clearly on notice that its proposal to require an OSP's name on LEC bills is "controversial". Staff witness VanEschen was subjected to considerable cross-examination on the

subject, Tr. at 384-93, and his testimony was directly contradicted by that of Mr. Ricca, who testified on behalf of Teleconnect (Tr. at 303-4), and Mr. Bailey, who testified on behalf of Southwestern Bell (Tr. at 591-93). Indeed, Mr. VanEschen testified that he recommends that this particular proposal be waived until LECs modify their billing systems to be able to accommodate the requirement. (Tr. at 393.) This caveat to the recommendation is not mentioned in Staff's brief.

Because the Staff has not included any argument in support of its proposed requirement or any attempt to refute Mr. Ricca's and Mr. Bailey's testimony that the requirement is unnecessary, OAN is unable to respond to the unarticulated concerns of the Staff. By choosing not to submit arguments to support its position in light of contradictory testimony in the record, the Staff has effectively denied OAN its ability to reply to its arguments. Should the Staff include any argument concerning the proposed requirement in its reply brief, OAN requests an opportunity to file a surreply in order to ensure a fair and even-handed briefing mechanism.

### III. CONCLUSION

Because the arguments raised by AOSI are unsupported by the record, and the Staff has not raised any arguments at all, the proposed requirement that an OSP's name must be listed on all

telephone bills, in lieu of its billing agent's name, should be rejected.

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CERTIFICATE OF SERVICE

I hereby certify that on December 30, 1988, copies of the Reply Brief of Operator Assistance Network have been sent by first-class, postage-prepaid mail to the following:

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