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ORDER REJECTING TARIFF

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Communications Company." CCC contends that the fictitious name "Citizens Communications Company" is too similar to its name, Citizens Communications Corporation, for the Commission to approve the use of this fictitious name in providing telecommunications service in Missouri, and asserts that customer confusion will result from the use of the similar name. While noting that Missouri law permits a corporation to do business under a fictitious name by merely registering that name, CCC requests that the Commission exercise its jurisdiction pursuant to Section 386.250(2), RSMo 1994, to prevent customer confusion by rejecting the fictitious name "Citizens Communications Company."

CCC also asserts that Citizens filed a similar tariff on May 13 in Case No. TO-97-498, and that CCC opposed that tariff filing as well. The tariff in Case No. TO-97-498 was withdrawn on July 24. According to CCC, the previous tariff was withdrawn because Citizens and CCC had entered into negotiations to resolve their differences over the name change. CCC asserts that Citizens has refiled its tariff in this case because negotiations were unsuccessful.

On September 29, the Staff filed a response to CCC's Motion to Suspend, urging the Commission to reject rather than suspend the tariff filed by Citizens. Staff contends that the name similarity is likely to cause customer confusion and is not in the public interest.

The Commission notes that Citizens is a competitive interexchange company, while CCC is a holding company which owns stock in Citizens-Higginsville and Citizens Service Center, Inc., companies which provide local exchange service in Missouri and hold interests in a cellular provider, respectively. The only difference between the names of Citizens and CCC is use of the word "Company" rather than "Corporation." The

Commission finds that Citizens' proposed fictitious name is confusingly similar to CCC's name. The Commission further finds that customers of CCC and Citizens could easily become confused about which company provides or could provide service to them if Citizens is permitted to operate as a utility under the name Citizens Communications Company, and that such confusion would not be in the public interest. The Commission concludes that it should reject the tariff filed by Citizens and that CCC's motion to suspend should therefore be denied.

IT IS THEREFORE ORDERED:

1. That the Motion to Suspend filed by Citizens Communications Corporation is denied.

2. That the following tariff, filed by Citizens Telecommunications Company on September 4, 1997 to reflect the change in its fictitious name from Citizens Telecom to Citizens Communications Company, is rejected:

P.S.C. Mo. No. 2

Original Sheet No. 1 through Original Sheet No. 35

3. That this order shall become effective on October 7, 1997.

4. That this case shall be closed on October 8, 1997.

BY THE COMMISSION



**Cecil I. Wright
Executive Secretary**

(S E A L)

Crumpton, Drainer and Murray,
CC., concur.
Lumpe, Ch., absent.

Randles, Regulatory Law Judge