

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

In the matter of the Petition of)
T-NETIX Telecommunications)
Services Inc. for a Waiver of)
Portions of Rule 4 CSR 240-31.065)
Requiring a Billing Surcharge for the)
Universal Service Fund Assessment)

Case No.

FILED²
MAY 02 2005
Missouri Public
Service Commission

**APPLICATION FOR RULE WAIVER
AND MOTION FOR EXPEDITED TREATMENT**

COMES NOW **T-NETIX Telecommunications Services Inc.** ("T-NETIX" or "Applicant"), pursuant to 4 CSR 240-2.060(14), and requests a waiver of Rule 4 CSR 240-31.065 regarding the requirement to bill the Missouri Universal Service Fund assessment as a separate surcharge on customer bills. In addition, Applicant, pursuant to 4 CSR 240-2.080(16), that the application be approved on an expedited basis.

In support of this Application for Rule Waiver, T-NETIX provides the following:

1. T-NETIX is a certified long distance carrier in Missouri providing inmate calling services only. It provides no other form of long distance service. Its principal office is located at:

T-NETIX Telecommunications Services, Inc.
14651 Dallas Parkway, Ste. 600
Dallas, TX 75254-7476

2. Applicant received authority to provide telecommunications services in Missouri on February 13, 1998, in Case No. TA-98-269. Applicant's Certificate to Transact Business As A Foreign Corporation was filed in Case No. TA-98-269, and is incorporated herein by reference.

3. T-NETIX does not have any pending actions or final unsatisfied judgments or decisions against it from any state or federal agency or court which involve customer service or rates, which action, judgment or decision has occurred within three (3) years of the date of the application, except as included in Exhibit 1. T-NETIX does not, to the best of its knowledge, have any overdue annual reports or assessment fees.
4. All communications, correspondence and pleadings in regard to this application should be directed to:

James M. Fischer, Esq.
Larry W. Dority, Esq.
FISCHER & DORITY, P.C.
101 Madison, Suite 400
Jefferson City, Missouri 65101
Tel: (573) 636-6758
Fax: (573) 636-0383
Email: jfischerpc@aol.com
uwdority@sprintmail.com

For Applicant:

Colleen Dziuban
Director, Governmental Affairs
T-NETIX Telecommunications Services, Inc.
14651 Dallas Parkway, Ste. 600
Dallas, TX 75254-7476

5. T-NETIX charges for service are primarily billed to its end user customers on their local bills, by means of billing and collection arrangements with billing companies or local exchange carriers.
6. T-NETIX pays for the LECs' billing service on a per line basis.
7. Rule 4 CSR 240-31.065 sets forth the procedures for collection of the Missouri USF and states in part:
 - (1) All applicable carriers shall place on each retail end-user customer's bill, a surcharge equal to the percentage assessment ordered by the Commission.
 - (2) The surcharge shall appear as a separate line item detailed as "Missouri Universal ServiceFund."

- (3) The surcharge percentage shall be applied to each customer's total charges equating to the applicable carrier's net jurisdictional revenues.
- (5) No carrier may recover its Universal Service Fund (USF) assessment in any way other than through this charge.
8. To add an additional line for the Missouri USF on each applicable end user's bill would cost T-NETIX more than the assessment itself.
9. The amount involved in the Missouri USF assessment does not justify the added cost of billing the assessment as a separate line item.
10. Pursuant to 4 CSR 240.2.080(16), T-NETIX requests that this application be approved on an expedited basis, as soon as practical, in order for T-NETIX to avoid a technical violation of 4 CSR 240-31.065. This request was filed as soon as possible since it is being filed as a part of the Application For Rule Waiver.

WHEREFORE, T-NETIX Telecommunications Services, Inc. respectfully requests that the Commission waive Rule 4 CSR 240-31.065 (1), (2), (3) and (5) as it pertains to billing a USF surcharge, as well as that portion of subsection (4) which requires T-NETIX to remit revenues received as a result of the surcharge. T-NETIX requests that it be allowed to remit the required assessment directly to QSI, the administrator of the Missouri USF, from collected revenues derived from its base rates. T-NETIX respectfully requests that the Commission issue an order on an expedited basis granting the relief requested herein, and for such further relief as the Commission deems appropriate. T-NETIX reserves the right to revisit this waiver request if the assessment increases significantly or if billing costs change.

Respectfully submitted,



James M. Fischer MBN 27543

Fischer & Dority, P.C.

101 Madison Street, Suite 400

Jefferson City, Missouri 65101

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ATTORNEY FOR APPLICANT

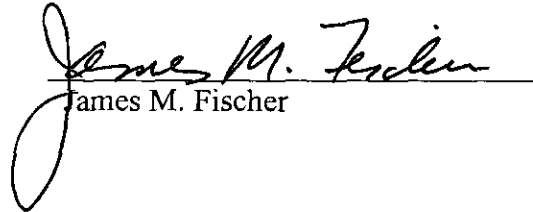
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was emailed, hand-delivered or mailed, postage prepaid, this 2nd day of May, 2005, to:

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

Dana K. Joyce, General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Missouri Universal Service Fund Administrator
QSI Consulting, Inc.
Attn: Peter Gose
14530 NW 63rd Street
Parkville, MO 64153


James M. Fischer

VERIFICATION

I, Wayne A. Johnson II, first being duly sworn upon oath depose and say I am Vice President and General Counsel of T-NETIX Telecommunications Services Inc., that I have read the above and foregoing application by me subscribed and know the contents thereof, that said contents are true in substance and in fact, except as to those matters stated upon information and belief, and as to those, I believe same to be true.

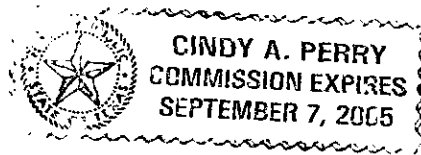


Subscribed and sworn before me this 29th day of April 2005.

Cindy A. Perry
(NOTARY PUBLIC)

My Commission expires on:

9-7-2005



From time to time the Company is involved in actions initiated by parties who are or have been the recipients of calls placed by inmates of Confinement Facilities. The following pending actions involve customer service or rates in other jurisdictions:

Judd v. AT&T and T-NETIX, Docket No. UT-042022, Wash. Utils. And Transp. Comm'n

Regulatory proceeding stemming from a referral from the Superior Court of King County, WA regarding compliance with state rules requiring audible rate disclosure for all payphone-initiated calls, including inmate collect calls.

Wishnefsky v. T-NETIX, et al., Case S-606-04, Schuylkill County, PA

Civil lawsuit alleging violations of the Pennsylvania Unfair Trade and Consumer Protection Law and breach of contract, based on alleged termination of inmate-initiated calls without justification.

Condes v. Evercom Systems, et al., Case 2002054022, Alameda County, CA

Lawsuit against several telecommunications carriers involved in the provision of inmate services in California, alleging that call recipients are charged for inmate-initiated collect calls that they did not authorize or accept. Class certification denied in February 2005, only four named plaintiffs remain.