

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

In the Matter of Proposed Amendments to)
Commission Rule 4 CSR 24-33.010, 33.020,) TX-2001-0512
33.030, 33.040, 33.060, 33.070, 33.080,)
33.110, and 33.150.)

**SOUTHWESTERN BELL TELEPHONE, L.P.,
D/B/A SBC MISSOURI'S COMMENTS REGARDING
PROPOSED AMENDMENTS TO COMMISSION RULE
4 CSR 24-33.010, 33.020, 33.040, 33.060, 33.070, 33.080, 33.110, AND 33.150**

Comes now Southwestern Bell Telephone, L.P., d/b/a SBC Missouri, and for its Comments Regarding Proposed Amendments to Commission Rule 4 CSR 24-33.010, 33.020, 33.040, 33.060, 33.070, 33.080, 33.110, and 33.150, states as follows:

1. SBC Missouri believes that proposed Rule 4 CSR 24-33.020(7) needs to be clarified. The correct way to identify the “10-10-XXX” dialing pattern is actually “101-XXXX.” SBC Missouri, therefore, proposes to amend this proposed Rule to read: “Casual calling customer is an unidentifiable customer that accesses the telephone network by a dial around pattern such as **101-XXXX [10-10-XXX]**.”¹

2. SBC Missouri believes that proposed Rule 4 CSR 24-33.040(4) should be clarified to include electronic communication (e.g., email) as a potential method for customer notice. Some customers prefer to receive information electronically. For example, customers who receive electronic bills may also prefer electronic communication (e.g., email notification). Accordingly, SBC Missouri recommends the proposed rule be modified as follows: “Bill inserts, bill messages [, **electronic communication,**] and direct mailings are acceptable forms of customer notice.”

¹ The language that SBC Missouri proposes to add is in **bold**. The language that SBC Missouri proposes to delete is in brackets in bold, i.e. **[bold]**.

3. SBC Missouri objects to proposed Rule 4 CSR 240-33.060(3) which provides: “Upon request of a customer by electronic communications or by writing, all telecommunications carriers shall restrict all 900 numbers from that customer’s number at no charge to that customer.”

- a. Specifically, SBC Missouri objects to that portion of this rule that indicates that SBC Missouri shall restrict all 900 numbers from that customer’s number at no charge to the customer. SBC Missouri does not believe the Missouri Public Service Commission (“Commission”) should impose a new requirement on telecommunications companies without providing for a means to recover the associated costs. While SBC Missouri and, perhaps, many other companies do not currently charge to block directly dialed calls to 900 numbers at this point in time, the Commission should not impose new requirements on companies without the possibility of cost recovery.
- b. SBC Missouri also notes that this proposed Rule should be limited to directly dialed 900 (i.e., 1 + 9xx-xxx-xxxx) calls as those are the only 900 numbers that a local exchange carrier can block. For example, local exchange carriers cannot block 900 numbers that are accessed using a 101-XXXX dialing pattern.
- c. SBC Missouri therefore proposes the following language: “Upon request of a customer by electronic communications or by writing, all telecommunications carriers shall restrict all **directly dialed calls (i.e., 1 + dialed) to a 900 NPA [900 numbers] from that customer’s number [at no charge to that customer].**”

4. SBC Missouri objects to proposed Rule 4 CSR 240-33.060(4) which provides: “Upon request of a customer by electronic communications or by writing, the telecommunications carrier providing service to state correctional facilities shall restrict all calls from state correctional facilities to that customer’s number at no charge to that customer.”

- a. Specifically, SBC Missouri objects to that portion of this rule that indicates that SBC Missouri shall restrict all calls from state correctional facilities to the customer’s number at no charge to the customer. SBC Missouri believes that it would be inappropriate for the Commission to impose a new requirement on telecommunications companies without providing for a means to recover the associated costs.
- b. Moreover, SBC Missouri contends that this proposed Rule requires further clarification. First, the rule should apply only to calls from inmates and only when technically feasible. Second, a telecommunications carrier should not be required to block calls from the administrative lines of state correctional facilities.
- c. SBC Missouri, therefore, proposes the following language: “Upon request of a customer by electronic communications or by writing, **and where technically feasible**, the telecommunications carrier providing **inmate calling** services to state correctional facilities shall restrict calls **from inmates** on non-administrative lines from state correctional facilities to that customer’s number **[at no charge to that customer]**.”

5. SBC Missouri believes that proposed Rule 4 CSR 240-33.060(6) needs to be clarified. The correct way to identify the “10-10-XXX” dialing pattern is actually “101-XXXX”. SBC Missouri, therefore, proposes to amend this proposed Rule to read: “Upon request of a

customer by electronic communications or by writing, and where technically feasible, local telecommunications carriers shall restrict all calls using a **101-XXXX [10-10-XXX]** dialing pattern from that customer's number."

6. SBC Missouri seeks clarification and/or objects to proposed Rule 4 CSR 240-33.060(7) which provides:

Customers shall be notified of their rights in sections (3), (4), (5) and (6) above at the time of application for service. Additional notice shall be provided annually thereafter by bill insert, statement on the customer bills or annually in the telephone directory. Each time a customer notifies a telecommunications carrier or its billing agent that the customer's bill contains charges for products or services that the customer did not order or that were not received, the customer will be informed of their rights in sections (3), (4), (5) and (6) at the time the customer notifies the telecommunications carrier or its billing agent.

- a. Specifically, SBC Missouri seeks clarification regarding the application of that portion of the proposed rule which states: "Customers shall be notified of their rights in sections (3), (4), (5) and (6) above at the time of application for service." Presumably the Commission means that such notification can be by some form of initial communication (e.g., bill insert in the customer's first bill, statement on the customer's first bill, or via the telephone directory). However, to the extent that this proposed Rule could be read to require SBC Missouri to notify new customers of their rights in sections (3), (4), (5), and (6) above during the telephone call during which a customer places new service, SBC objects to such notification as it would be unduly burdensome and oppressive. SBC Missouri conducted a preliminary analysis of the increased cost that it would incur to orally discuss these blocking restrictions with new customers. This analysis revealed that it would cost SBC Missouri over \$4.8 million dollars annually which is not reflected in the private cost estimate of the proposed rule as currently submitted. The vast majority of

customers are not interested in these blocking features and would likely consider it a waste of time to hear about them while they are on the telephone establishing their service. Thus, SBC Missouri suggests that the Commission clarify that such notification may be through some initial form of communication such as by bill insert in the customer's first bill, as a statement on the customer's first bill, or via the telephone directory.

- b. Further, SBC believes the third sentence should be deleted in its entirety. Again, SBC Missouri believes that if it is required to comply with the provisions contained in the third sentence, this will increase the customer contact time. This could potentially lead to a large cost for SBC Missouri and unnecessary burdens to its customers. The private cost estimate as currently submitted does not reflect the substantial cost that would be incurred by SBC Missouri and other telecommunications carriers if this requirement is imposed. A customer may be calling concerning an unrelated product or service that the customer contends was not ordered and the rights contained in subsections (3), (4), (5), and (6) have nothing to do with that service or product. For example, a customer may call concerning a charge for a service ordered by the customer's spouse (e.g. CallerID and CallerID customer premise equipment) which the customer was unaware was ordered. This proposed Rule would require SBC Missouri to inform the customer of the rights in sections (3), (4), (5), and (6) even though those were not the types of charges/services that are the subject of the call and even if the customer ultimately decided to retain the services and equipment ordered by the

customer's spouse. For these reasons, the third sentence of this proposed Rule should be deleted in its entirety.

- c. SBC Missouri, therefore, proposes the following language: "Customers shall be notified of their rights in sections (3), (4), (5) and (6) above through some form of initial communication such as **by bill insert in the customer's first bill, by statement on the customer's first bill, by a welcome letter, or in the telephone directory [at the time of application for service].** Additional notice shall be provided annually thereafter by bill insert, statement on customer bills or annually in the telephone directory. **[Each time a customer notifies a telecommunications carrier or its billing agent that the customer's bill contains charges for products or services that the customer did not order or that were not received, the customer will be informed of their rights in sections (3), (4), (5) and (6) at the time the customer notifies the telecommunications carrier or its billing agent].**

- 7. SBC Missouri objects to 4 CSR 240-33.070(10) which provides:

If service is immediately blocked or discontinued pursuant to section (9) above, the telecommunications carrier will provide immediate written notification of such blocking or discontinuance to the customer by certified, overnight mail or door hanger.

- a. Specifically, SBC Missouri objects to providing written notification to the customer by certified, overnight mail as such a requirement is unduly burdensome and oppressive in that it could potentially be very costly.
- b. Moreover, a door hanger is not a suitable substitute as many customers' doors are not accessible to SBC Missouri (for example, secure apartments and condominiums that are behind locked doors).

- c. Furthermore, even if the door hanger is accessible to SBC Missouri, a door hanger may fly away, be taken away by a child, etc. and could potentially lead to lawsuits by individuals who contend that the communication is libelous or an invasion of privacy. SBC Missouri strongly recommends that written notification of such blocking or discontinuance by first class mail be deemed sufficient. If the customer's service is blocked or discontinued, the customer will undoubtedly call SBC Missouri and can also be advised at that time by the service representative.
- d. SBC Missouri, therefore, proposes the following language: "If service is immediately blocked or discontinued pursuant to section (9) above, the telecommunications carrier will provide immediate written notification of such blocking or discontinuance to the customer by **first class mail, postage prepaid [by certified, overnight mail or door hanger]**."

8. SBC Missouri objects to 4 CSR 240-33.110(3)(A) which provides: "A telecommunications company shall acknowledge or respond by fax transmission or electronic mail to all commission staff inquiries related to informal complaints as follows: (A) The company shall acknowledge receipt of inquiries related to denial or discontinuance of service issues within twenty-four (24) hours. . . ."

- a. Specifically, although SBC Missouri understands that the Commission would like telephone companies to respond promptly to staff inquiries related to the denial or discontinuance of service issues, if staff raises an issue late on a Friday afternoon, SBC Missouri may be unable to respond to the inquiry by the end of the day and/or on Saturday.

- b. SBC Missouri, therefore, proposes the following language: “A telecommunications company shall acknowledge or respond by fax transmission or electronic mail to all commission staff inquiries related to informal complaints as follows: (A) The company shall acknowledge receipt of inquiries related to denial or discontinuance of service issues within **one business day [twenty-four (24) hours]**.”

9. Finally, SBC Missouri concurs with the Comments set for in the letter from Richard Telthorst, CAE, MTIA, to The Honorable Dale Hardy Roberts, dated March 30, 2004, in the above-referenced case.

Wherefore, SBC Missouri prays the Commission consider its comments and eliminate or modify the proposed rules as outlined above, together with any further and/or additional relief the Commission deems just and proper.

Respectfully submitted,

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CERTIFICATE OF SERVICE

Copies of this document were served on the following parties by e-mail on March 30, 2004.


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