

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

In the Matter of a Recommendation)
Concerning the Surcharge for Deaf Relay)
Service and Equipment Distribution)
Program Fund.)

Case No. TO-2005-0308

STAFF RESPONSE TO ORDER DIRECTING FILING AND REQUEST TO FILE OUT OF TIME

COMES NOW the Staff of the Missouri Public Service Commission (Staff), by and through Counsel, and for its Response to Commission Order Directing Filing (Order) issued on March 23, 2005, states as follows:

1. In response to the Order above the Staff respectfully recommends to the Commission that the additional entities which should be provided notice in this case would be all Competitive Local Exchange Carriers (CLECs) and Incumbent Local Carriers (ILECs) in Missouri because they will or could bill the surcharge.

2. In terms of the minimum amount of time that would need to be given to the local telephone companies to implement a new rate should the Commission issue an order increasing the monthly Relay Missouri surcharge, the Staff would note that it contacted all of the ILECs and CLECs in the state either directly or indirectly through their representatives. The large ILECs and a few CLECs responded and indicated a range of 3 weeks to 90 days was necessary to implement any change in the surcharge. Previously, the time between the effective date of the Commission's order and the implementation of a surcharge has varied as follows:

In Case No. TO-90-174 the order was effective March 1, 1991, and implemented to coincide with the companies' billing cycles in April 1991. (On February 22, 1991 the Commission ordered the companies to provide customer notice via a billing insert in the April cycle.)

In Case No. TO-2003-0171, the order was effective April 5, 2003 and implemented on July 1, 2003; customers were notified with a bill insert or a line item on the bill.

Staff notes that in Case No. TO-98-329, the Universal Service Fund case, the Commission issued an order on March 17, 2005, establishing the USF surcharge effective May 1, 2005, less than the time indicated in this case, and that no concerns have been raised to date. At the USF board meeting, there were indications raised that it took longer to implement surcharges based on percentages, such as the Missouri USF surcharge, than those based on monetary values, such as the Relay Missouri Surcharge.

3. Based upon the above, the Staff respectfully recommends that the time that should be given to the local telephone companies to implement a new rate, should the Commission issue an Order increasing the monthly Relay Missouri surcharge, should be 60 days from the date of the issuance of the Commission's order.

4. Lastly, the Staff recommends that the Commission make its determination regarding implementation of the Relay Missouri Surcharge by May 1, 2005.

5. The Staff requests that the Commission accept this filing a few minutes out of time pursuant under the authority contained in 4 CSR 240-2.050 (3)(A). This pleading was filed a few minutes late this morning due to the late arrival of Staff Counsel due to a health issue.

WHEREFORE, the Staff respectfully requests that the Commission accept its Response to Order Directing Filing above.

Respectfully submitted,

DANA K. JOYCE
General Counsel

/s/ Cliff Snodgrass

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Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 28th day of March, 2005.

/s/ Cliff Snodgrass