

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

In the Matter of the Tariff Filing of First)	Case No. TT-2008-0132
Communications, LLC, Concerning Monthly)	Tariff File No. JX-2008-0217
Recurring Charges and New Billing Fee)	

STAFF’S RESPONSE TO COMMISSION ORDER

COMES NOW the Staff of the Missouri Public Service Commission and for its response states:

1. Paragraph 3 of the Commission’s Order Denying Motion to Suspend Tariff and

Directing Corrected Customer Notice directs:

The Staff of the Missouri Public Service Commission shall investigate whether non-tariffed rates or fees were charged and shall bring any appropriate complaint to the Commission that results from that investigation. If no complaint is filed, then Staff shall file a report of its findings in this case file.

2. In the attached Memorandum, labeled Appendix A, the Staff reports, based on a company officer’s affidavit, that First Communications sent corrected customer notice and that First Communications did not charge non-tariffed charges. Staff is satisfied with First Communications’ responses and does not wish to bring a complaint.

Respectfully submitted,

/s/ William K. Haas _____

William K. Haas

Deputy General Counsel

Missouri Bar No. 28701

Attorney for the Staff of the

Missouri Public Service Commission

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to the following this 28th day of November 2007.

/s/ William K. Haas _____

Lewis Mills
Office of the Public Counsel
P.O. Box 2230
Jefferson City, MO 65102

Legal Department
First Communications, LLC
15166 Neo Parkway
Garfield Heights OH 44128

Patrick Crocker
Attorney for First Communications
900 Comerica Building
Kalamazoo, MI 49007

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Company Name:
Tariff File No. JX-2008-0217 Case No. TT-2008-0132

From: Lisa Mahaney
Telecommunications Department

William Voight 11/28/07
Utility Operations Division/Date

William K. Haas 11/28/07
General Counsel's Office/Date

Subject: First Communications, LLC, Concerning Monthly Recurring Charges
and New Billing Fee

Date: 11/28/07

On October 4, 2007, First Communications, LLC, submitted tariff sheets proposing new calling plans and adding a monthly recurring charge to other calling plans for interexchange telecommunications services. The effective date of the tariff sheets was November 7, 2007.

On October 29, 2007, the Office of the Public Counsel filed a motion requesting suspension of the tariff sheets. Staff filed its response on November 2, 2007, recommending the Commission deny the motion to suspend the tariffs.

In an Order Denying Motion to Suspend Tariff and Directing Corrected Customer Notice issued November 6, 2007, the Commission determined that First Communications should send an additional customer notice to its customers clarifying that the new monthly recurring charges were not authorized to begin until the effective date of the tariff and that no billing fee has been authorized. Staff was directed to investigate whether non-tariffed rates or fees were charged and to report its findings.

Staff has attached First Communications' corrected customer notice and its signed affidavit stating that it did not charge customers any non-tariffed charges.

Staff is satisfied with First Communications' responses and does not wish to bring any complaint.



November 16, 2007

Notice of Price Increase

Dear Valued Customer,

This notice is to inform you the following monthly recurring fee will go into effect on December 1, 2007.

The following plans will have a \$2.95 monthly recurring charge for Presubscribed 1+, Casual Calling, Travel Cards and Toll Free Service: 10105200, Middle East Savers, Premier Business, RSL Integrated and Transpoint.

First Communications appreciates your business and is committed to the highest quality customer care. If you have questions please contact Customer Service at 1-800-569-8700 during business hours of 9 AM to 6 PM (EST) Monday through Friday.

Thank you,

First Communications

Code: DUSLD

Affidavit
First Communications, LLC

State of Ohio

County of: Summit

Ray Hexamer, Affiant, being duly sworn according to the law, deposes and says that:

He is the C.E.O. of First Communications, LLC.

That he is authorized to and does make this affidavit for said company; and

That First Communications, LLC has provided the required notification, document attached, to all affected customers at least ten days in advance of the proposed rate increase;

That First Communications has not charged the \$2.95 MRC but will begin the \$2.95 MRC on December 1, 2007.

And furthermore, that First Communications has never charged the \$.99 billing fee.


Signature

Ray Hexamer
Printed Name

C.E.O.
Title

11-16-07.
Date

Sworn and subscribed before me this 16th day of November, 2007.

Cheryl Hassler
Signature of Official administering oath

My Commission expires: 1-8-08

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

In the matter of the tariff filing of First)	
Communications, LLC, concerning)	Case No. TT-2008-0132
monthly recurring charges and new billing)	Tariff Filing No. JX-2008-0217
fee.)	

AFFIDAVIT OF LISA MAHANEY

STATE OF MISSOURI)
) ss:
COUNTY OF COLE)

Lisa Mahaney, employee of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that she has participated in preparing the accompanying memorandum, and that the facts therein are true and correct to the best of her knowledge and belief.



Lisa Mahaney

Subscribed and affirmed before me this 28th day of November 2007.
I am commissioned as a notary public within the County of Callaway,
State of Missouri and my commission expires on 9-21-10



SUSAN L. SUNDERMEYER
My Commission Expires
September 21, 2010
Callaway County
Commission #06842086



NOTARY PUBLIC