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President

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May 14, 2014

Morris L. Woodruff  
Secretary of the Commission  
Missouri Public Service Commission  
Post Office Box 360  
Jefferson City, MO 65102

**RE: In the Matter of a Repository Case in Which to  
Receive Feedback and Other Suggestions  
Concerning Staff's Proposed Consolidation and  
Simplification of the Commission's  
Telecommunications Rules**

**Commission Case # TW-2014-0295**

Dear Judge Woodruff:

Thank you for the opportunity to provide comments regarding the Commission staff's proposal to consolidate and simplify the Commission's rules that govern telecommunications companies, IVoIP providers and video service providers. The member companies of the Missouri Telecommunications Industry Association (MTIA) appreciate the Commission's willingness to include our association as a stakeholder in this important process.

**The Intent of Staff's Proactive Proposal is Laudable**

We appreciate the staff's efforts to proactively revise and consolidate the Commission's telecommunications, IVoIP and video rules in light of the statutory changes adopted over the last several years by the Missouri legislature. Over the last decade, legislative revisions to the statutes governing telecommunications have consistently recognized and reflected the move from a monopoly environment toward a competitive marketplace in retail voice services. As a result, many existing rules are now outdated and/or no longer applicable to Missouri telecommunications companies. With the approval of SB 651 this year, it is certainly an appropriate time to take stock of those regulations that govern retail voice service and make revisions that reflect this paradigm shift.

### **Stakeholder Workshops Will Provide Opportunity for Thorough Review**

Given the complexity and interrelated nature of the rules, it will be a detailed task to comprehensively review and revise them to accurately track statutory changes, rule and statute waivers, the current telecommunications market, and other Commission requirements. The staff has certainly invested much time in outlining rules that should be substantively eliminated, consolidating certain rules for ease of administration, and proposing new regulations for consideration. We suggest that the Commission hold a series of stakeholder workshops to provide the opportunity to further refine the staff's proposal and discuss industry concerns and suggested revisions.

This would allow the Commission staff and industry stakeholders to better organize their efforts so that the final work product would identify and resolve inconsistencies between the numerous existing telecommunications, IVoIP and video rules and potentially have broad support before the formal rulemaking process begins.

### **Additional Rule Eliminations, Consistent Definitions, and Statutory Review Needed**

Our initial review has identified a number of rules in Chapters 2, 3, 32 and 33 that should be added to the staff's elimination list so that the revised rules are consistent in their application. For example:

4 CSR 240-2.061	Filing Requirements for Applications for Expanded Local Calling Area Plans within a Community of Interest (outdated).
4 CSR 240-3.505	Filing Requirements for Telecommunications Company Applications for Certificates of Interexchange Authority to Provide Customer Owned Coin Telephone Service (outdated payphone rule).
4 CSR 240-33.150	Verification of Orders for Changing Telecommunications Service Provider (rule has been waived by most if not all carriers and is inconsistent with SB 651).

Please note that these examples are not exclusive and were identified after only a preliminary review.

In addition, several of the proposed new definitions are inconsistent with existing statutory and rule definitions and should be reviewed for accuracy. For example:

"Access line" is defined differently than in Chapters 3.500(1), 32.020(1), and 33.020(1).

"Basic local telecommunications service" is defined differently than in 386.020(4) RSMo. and referenced in Chapters 3.500(3), 32.020(5), and 33.020(3)

"Exchange" is defined differently than in 386.020(16) RSMo. and referenced in Chapters 3.500(9), 32.020(14), and 32.200(1) (G).

"Interexchange Telecommunications Service" is defined differently than in 386.020(25) RSMo. and Chapter 32.010(18)

"Net Jurisdictional Revenue" is defined differently than Chapter 31.010(17).

Again, please note that these examples are not exclusive and were identified after only a preliminary review.

In some areas, the staff's proposed revisions seem to be beyond the scope of the Commission's authority as it has been defined by recent statutory changes. For example, proposed Chapter 28.060(4) (re-impose quality of service rules) would conflict with the recently passed SB 651. This is an area that would warrant a more detailed discussion with staff.

#### **Fiscal Impact Should be Minimal**

If done correctly, the MTIA does not believe that the proposed consolidation and simplification of the proposed rules will have any negative financial impact on its member companies, and there may be an opportunity for savings of some expenses currently incurred.

Again, thank you for your consideration of our comments. We look forward to working with the Staff and Commission on this collaborative effort.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "R. Telthorst", written in a cursive style.

Richard Telthorst, CAE  
President