

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of Proposed New Rule)
4 CSR 240-3.570 Regarding Eligible)
Telecommunications Carrier Designations) **Case No. TX-2006-0169**
for Receipt of Federal Universal Service)
Fund Support)

OFFICE OF PUBLIC COUNSEL’S RESPONSE TO ORDER DIRECTING FILING

The Office of the Public Counsel suggests that a CMRS provider that has been designated as an ETC by the Public Service Commission should be required to reimburse the Deaf Relay Fund for costs associated with implementing and maintaining the statewide dual-party relay system. It is a reasonable public interest condition for wireless carrier ETC providers to contribute to offset an appropriate share of the Deaf Relay portion of the **Deaf Relay/Adaptive Telephone Equipment Program** funding requirement. Wireless carriers should not be required to contribute toward the Adaptive Telephone Equipment Program since that is a wireline based technology. Since the Commission does not have jurisdiction over CMRS rates, it cannot require CMRS ETCs to levy the surcharge directly on customers to fund Deaf Relay as required for wireline carriers. The CMRS ETC can recover its contribution from its customers in any reasonable manner it deems appropriate.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

/s/ **Michael F. Dandino**

BY: _____
Michael F. Dandino (24590)
Deputy Public Counsel
P.O. Box 2230
Jefferson City, MO 65102
(573) 751-4857
(573) 751-5559
Fax (573) 751-5562
email: mike.dandino@ded.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was electronically transmitted, mailed or hand-delivered to all counsel of record on this 17th day of January, 2006.

/s/ **Michael F. Dandino**
