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President

April 12, 2004

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Missouri Public
Service Commission

The Honorable Dale Hardy Roberts
Secretary, Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102

RE: TX-2003-0379

Dear Judge Roberts:

Thank you for the opportunity to provide comments in the above-captioned case on the proposed rule in Chapter 3 as published in the March 1, 2004 edition of the Missouri Register. Sections of the proposed amendments that are being recommended by the association for deletion appear in brackets; provisions recommended for addition appear in bold print. Our comments regarding each recommended change follow.

4 CSR 240-3.545 Filing Requirements for Telecommunications Company Tariffs.

Amend as follows: (3) A tariff will be considered as continuing in force until amended in the manner provided for in this rule. **Existing tariffs will be considered as complying with this rule.**

Comment: This addition clarifies that existing tariffs do not need to be amended solely to comply with the rule until other subsequent changes are made to each tariff.

Further amend as follows: (12) Subject to *Missouri Revised Statutes* and commission rules, all telecommunications companies shall file with the commission any changes in rates, charges or rules that affect rates or charges. A proposed change shall be submitted in the form of a revised tariff accompanied by a cover letter and a copy of any **required** customer notice [sent or required to be sent as a result of the proposed change]. The cover letter should be limited to approximately one hundred (100) words or less. A copy of the cover letter and any proposed change shall be filed with the commission or submitted electronically through the commission's electronic filing and information system (EFIS), shall be served on the Office of the Public Counsel, and shall be made available for public inspection and reproduction at the telecommunications company's

principal operating office or on its website. The cover letter shall identify each proposed change **or category of change**, provide a brief summary of each proposed change **or category of change**, **identify the general effect of the change on the company's customers**, and provide the requested effective date of the revised tariff. [The summary shall identify each product or service that will be affected by the proposed change and shall identify the change in the terms and conditions that the telecommunications company proposes for that product or service, including any change or adjustment in the price or fee for that product or service. For each change or adjustment in prices or fees, the summary shall identify:

- (A) The current price or fee;
- (B) The proposed price or fee;
- (C) Whether the change or adjustment results in an increase or decrease in price; and
- (D) The percentage change in price.]

Comment: Often, customer notice would not be made until after the tariff was filed or until the tariff was approved. This suggested change recognizes this by clarifying that a copy of the required notice be included with the tariff change.

Summaries should identify the effect of the change in general terms to offer some guidance as to its impact, but the level of detail required here is too burdensome. Such detailed analysis by the company would be duplicative of the work that commission and/or public counsel staff would do to review the tariff. In many cases, it would not be possible to file such detailed summaries and still limit the cover letter to one hundred words. In addition, since many products and services are offered in various customer bundles, the impact on customers may depend on the specific bundle of services purchased.

Further amend as follows: (14) All telecommunications companies are required to submit revisions to each PSC Mo No. as a separate filing to be assigned a separate tracking number in EFIS. **Companies may request that separate revisions to different MoPSC Nos. be consolidated as one filing when appropriate.**

Comment: The EFIS tracking requirements sometimes have the effect of separating related filings that are part of a single overall change. If EFIS can not be corrected to permit multiple tariffs to be included as one tariff filing, this addition will at least clarify that companies may request a single tracking number in instances when appropriate. Such consolidation would facilitate management of all of the related changes.

Further amend as follows: (15) All telecommunications companies are required to submit to the commission with the tariff filing, a copy of the notification of rate increases sent **or to be sent** to customers pursuant to 4 CSR 240-33.040([3] 4) and a positive affirmation in writing that the notice was sent **or will be sent** to customers. [at least ten (10) days in advance of the rate's effective date.]

Comment: As previously noted, in order to avoid customer confusion, notice is sometimes not sent until the tariff has been filed and/or approved. Also, the correct section reference has been made here.

Further amend as follows: (17) When a telecommunications company files a revised tariff or sheet(s) pursuant to a commission order the cover letter shall state that the filing is in compliance with the commission's order in Case No. ____ and shall indicate the location of the changes in the PSC Mo. No. _____. **Where a tariff filing is being made in compliance with a commission order, the proposed effective date may be less than thirty (30) days after issuance.**

Comment: This addition would allow tariff filings on less than thirty days notice where such filing is being made in compliance with a commission order or directive. This would avoid the additional time and expense associated with filing a separate motion to implement the tariff on less than thirty days notice.

Further amend as follows: (19) Promotions are those service offerings that provide a reduction or waiver of a tariffed rate for a limited period of time. Promotions are allowed to go into effect after seven (7) days prior notice to the commission for competitive [companies] services and after ten (10) days prior notice to the commission for noncompetitive [companies] services [(i.e., incumbent local exchange carriers)]. Promotions must be offered under tariff, and prior notification to the commission via a tariff filing is required. Promotions must have established start and end dates and must be offered in a nondiscriminatory manner.

Comment: Pursuant to sections 392.200 and 392.500 RSMo, the relative time periods should be applicable to the type of service offered, not to the type of carrier offering the service.

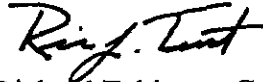
Further amend as follows: (20) In the case of a change of name, the telecommunications company shall issue immediately and file with the commission an adoption notice substantially as follows: "The (name of telecommunications company) hereby adopts, ratifies and makes its own, in every respect as if the same has been originally filed by it, all tariffs filed with the Public Service Commission, State of Missouri, by the (name of telecommunications company) prior to (date)" or the telecommunications company shall file a new tariff under the new name. ["] Specific requirements for filings regarding telecommunications company name changes are contained in Chapter 2 of the commission's rules in rule 4 CSR 240-2.060. [In addition to filing the items in 4 CSR 240-2.060, applicant must notify its customers at or before the next billing cycle of a name change and file a copy of that notice with the adoption notice.]

Comment: Quotation marks were misplaced in the proposed rule. The requirement to notify customers of every name change provides no real customer benefit and may actually create some confusion when there is little discernable change in the name (e.g. Sprint Missouri Inc. d/b/a Sprint or CenturyTel of Northwest Arkansas d/b/a CenturyTel). Often, corporate names as listed with regulatory agencies differ from the "d/b/a" name

used to market products and services to customers. The corporate legal name generally has little or no significance to customers. Of course, companies need no incentive to market a new "d/b/a" name to customers and potential customers. Market forces should continue to be allowed to dictate the level of promotion for new corporate identities.

Please let me know if you have any questions regarding these comments filed on behalf of the association. I would be glad to further discuss the issue with you or Commission staff.

Sincerely,

A handwritten signature in black ink, appearing to read "Rich. Telthorst". The signature is fluid and cursive, with a large initial "R" and a stylized "T".

Richard Telthorst, CAE
President