

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

In the Matter of Proposed Amendments to )	
Commission Rules 4 CSR 240-3.020, )	Case No. TX-2003-0380
4 CSR 240-3.510, 4 CSR 240-3.520 and )	
4 CSR 240-3.525 )	

**STAFF COMMENTS IN SUPPORT OF PROPOSED AMENDMENTS TO  
COMMISSION RULES**

COMES NOW the Staff of the Missouri Public Service Commission, pursuant to the Notice to Submit Comments published in the *Missouri Register* on May 3, 2004, submits the following comments:

**INTRODUCTION**

In the May 3, 2004, edition of the *Missouri Register*, the Missouri Public Service Commission (Commission) published proposed amendments 4 CSR 240-3.020: Filing Requirements Regarding Utility Company Name Changes; 4 CSR 240-3.510: Filing Requirements for Telecommunications Company Applications for Certificates of Service Authority to Provide Telecommunications Services, Whether Interexchange, Local Exchange or Basic Local Exchange; 4 CSR 240-3.520: Filing Requirements for Telecommunications Company Applications for Authority to Sell, Assign, Lease or Transfer Assets; and 4 CSR 240-3.525: Filing Requirements for Telecommunications Company Applications for Authority to Merge or Consolidate. Staff supports the adoption of the proposed amendments in their entirety.

**COMMENTS**

**4 CSR 240-3.020: FILING REQUIREMENTS REGARDING UTILITY COMPANY NAME CHANGES**

The proposed amendment updates cross-references to other pertinent Commission rules. Staff supports this change.

#### **4 CSR 240-3.510: FILING REQUIREMENTS FOR TELECOMMUNICATIONS COMPANY APPLICATIONS FOR CERTIFICATES OF SERVICE AUTHORITY TO PROVIDE TELECOMMUNICATIONS SERVICES, WHETHER INTEREXCHANGE, LOCAL EXCHANGE OR BASIC LOCAL EXCHANGE**

Section (C) of the proposed amendment clarifies that a proposed tariff need not be filed at the time of the certificate application. This amendment also clarifies that a tariff and any applicable interconnection agreements must be filed with the Commission and approved before a company can begin providing service.

Section (D) of the proposed amendment codifies existing filing requirements for carriers filing an application for basic local exchange service authority and includes such things as the financial standard which must be met for a company to be granted authority to provide basic local exchange telecommunications service; a statement that the applicant will satisfy the minimum standards established by the Commission; a statement that sets forth the geographic area in which the applicant proposes to offer service; a statement that the applicant will offer basic local service as a separate and distinct service and a statement that the applicant will give equal access to all Missourians. By placing this information in a filing requirements rule, clarity will be provided to those interested in seeking authority to provide competitive local exchange service in Missouri. Finally, the Legislature has explicitly authorized requirements of this nature for basic local exchange authority applicants at Sections 392.450, 392.451 and 392.455, and especially at Section 392.455(1)-(5). To acknowledge the direct relationship between the regulation and the statute, Staff recommends the addition of a reference to Sections 392.450, 392.451, and 392.455 in the *Authority* section of the rule.

Staff supports the amendments.

#### **4 CSR 240-3.520: FILING REQUIREMENTS FOR TELECOMMUNICATIONS COMPANY APPLICATIONS FOR AUTHORITY TO SELL, ASSIGN, LEASE OR TRANSFER ASSETS**

The proposed amendment removes current exemptions for competitive companies. Under the proposed amendments, competitive companies seeking authority to sell, assign, lease or transfer assets would be required to provide a brief description of the property involved in the transaction, a copy of the contract or agreement, the reasons the sale is not detrimental to the public interest, and a statement of the impact, if any, the transaction will have on tax revenues. The removal of the current exemptions will provide additional information to assist the Commission in reviewing and approving the authority request.

The proposed amendment adds a new section (G) that requires customer notification to any customers receiving service from a different telecommunications company after the transaction is complete, informing them of the transaction and the right to change telecommunications providers. This requirement will assist customers who may otherwise not understand or realize that their service is undergoing a change.

Staff supports these amendments.

#### **4 CSR 240-3.525: FILING REQUIREMENTS FOR TELECOMMUNICATIONS COMPANY APPLICATIONS FOR AUTHORITY TO MERGE OR CONSOLIDATE**

The proposed amendment removes current exemptions for competitive companies. Under the proposed amendments, competitive companies seeking authority to merge or consolidate would be required to provide a copy of the proposed plan and agreement, the reasons the proposed merger is not detrimental to the public interest, an estimate of the impact of the merger on the company's Missouri jurisdictional operations relative to the merger and acquisition and a statement of the impact, if any, the transaction will have on tax revenues. The

removal of the current exemptions will provide additional information to assist the Commission in reviewing and approving the authority request.

The proposed amendment adds a new section (G) that requires customer notification to any customers receiving service from a different telecommunications company after the transaction is completed, informing them of the transaction and the right to change telecommunications providers. This requirement will assist customers who may otherwise not understand or realize that their service is undergoing a change.

Staff supports these amendments.

WHEREFORE, the Staff respectfully requests that the Commission adopt Proposed Amendments: 4 CSR 240-3.020: Filing Requirements Regarding Utility Company Name Changes; 4 CSR 240-3.510: Filing Requirements for Telecommunications Company Applications for Certificates of Service Authority to Provide Telecommunications Services, Whether Interexchange, Local Exchange or Basic Local Exchange; 4 CSR 240-3.520: Filing Requirements for Telecommunications Company Applications for Authority to Sell, Assign, Lease or Transfer Assets; and 4 CSR 240-3.525: Filing Requirements for Telecommunications Company Applications for Authority to Merge or Consolidate.

Respectfully submitted,

DANA K. JOYCE  
General Counsel

/s/ David A. Meyer

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Missouri Bar No. 46620

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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 all counsel of record this 26<sup>th</sup> day of May 2004.

/s/ David A. Meyer

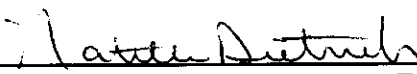
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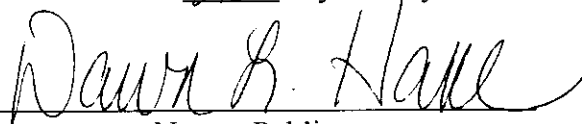
**VERIFICATION OF NATELLE DIETRICH**

STATE OF MISSOURI     )  
  ) ss  
COUNTY OF COLE     )

Natelle Dietrich, of lawful age, on her oath states: (1) that she is a member of the Staff of the Missouri Public Service Commission; (2) that she has participated in the preparation of and has read the forgoing Staff Comments in response to the Commission's proposed amended rules; (3) that she has knowledge of the matters set forth in the comments; and (4) that such matters are true and correct to the best of her knowledge and belief.

  
\_\_\_\_\_  
**Natelle Dietrich – Regulatory Economist III**  
**Telecommunications Department**  
**Utility Operations Division**

Subscribed and sworn to before me this 25<sup>th</sup> day of May 2004.

  
\_\_\_\_\_

Notary Public

**DAWN L. HAKE**  
**Notary Public – State of Missouri**  
**County of Cole**

My Commission Expires: \_\_\_\_\_  
My Commission Expires Jan 9, 2005