

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

In the Matter of a Recommendation Concerning the     )  
Surcharge for Deaf Relay Service and Equipment     ) **Case No. TO-2005-0308**  
Distribution Program Fund.                                     )

**ORDER DIRECTING FILINGS**

Issue Date: June 15, 2005

Effective Date: June 15, 2005

The Commission would be aided in its review if its Staff would file additional information. First, the Commission will direct Staff to file an exhibit updating the data for average CapTel usage, particularly for each of the past 2 or 3 months. Staff should include information on the total number of minutes used each month, and should provide a chart demonstrating this data.

Second, Staff should file a brief further discussing Staff's position on the Commission's authority, or lack therefore, to implement a moratorium on the distribution of CapTel phones. The Commission notes that during the On-the-Record Presentation and subsequent Agenda sessions, there have been discussion and exhibits filed regarding the possibility of limiting the distribution of CapTel phones to 10 per month. There has also been discussion and exhibits filed regarding placing a moratorium on the distribution of CapTel phones. The Commission acknowledges that in Staff's May 4<sup>th</sup> Post-Hearing Exhibit and Brief, Staff states that "the decision on the number of CapTel phones to be distributed by the State of Missouri belongs to the program administrator and to the Legislature." Thus, it appears that Staff's position is that the Commission does not have

the authority to limit the distribution of CapTel phones to 10 per month. The Commission will direct Staff to clarify whether Staff believes that the Commission has the authority to place a moratorium on the distribution of CapTel phones.

The Commission will direct Staff to file the exhibit and brief expeditiously. Staff is encouraged to file the exhibit and brief separately if doing so would allow part of the information to be provided more quickly.

**IT IS THEREFORE ORDERED:**

1. That the Staff of the Commission shall file an exhibit regarding updated CapTel usage as directed above. Due to the impending deadline for a Commission decision, Staff is directed to file its exhibit as soon as possible, but no later than June 20, 2005.

2. That the Staff of the Commission shall file a supplemental brief regarding a moratorium on the distribution of CapTel phones, as directed above. Due to the impending deadline for a Commission decision, Staff is directed to file its brief as soon as possible, but no later than June 20, 2005.

3. That any party shall have no more than two business days to respond to Staff's exhibit or brief, unless otherwise ordered.

4. That this order shall become effective on June 15, 2005.

**BY THE COMMISSION**

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', written over a horizontal line.

Colleen M. Dale  
Secretary

( S E A L )

Vicky Ruth, Senior Regulatory Law Judge,  
by delegation of authority pursuant  
to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 15th day of June, 2005.