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April 8, 2004

Dale Hardy Roberts
Secretary
Missouri Public Service Commission
200 Madison Street
Jefferson City, Missouri 65101

RE: Commission Case No. TX-2003-0379

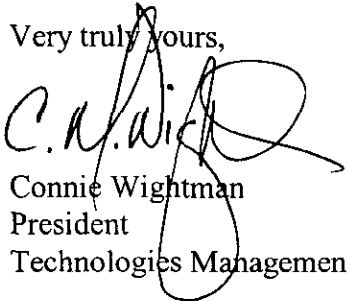
Dear Secretary Roberts:

Enclosed for filing with the Commission on behalf of Technologies Management, Inc. are an original and eight (8) copies of Comments in Case No. TX-2003-0379.

To confirm the Commission's receipt of these Comments, kindly date-stamp the enclosed extra copy of this cover letter and return it to me in the self-addressed, stamped envelop provided.

Should you have any questions concerning these Comments, kindly address them to the undersigned at the address and phone number set forth above.

Very truly yours,


Connie Wightman
President
Technologies Management, Inc.

FILED²

APR 09 2004

Missouri Public
Service Commission

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

FILED²
APR 09 2004

In the Matter of Revisions to 4 CSR 240-3.545)
Filing Requirements For Telecommunications)
Company Rate Schedules)

Case No. TX-2003-0379

**Missouri Public
Service Commission**

COMMENTS OF TECHNOLOGIES MANAGEMENT, INC.

Technologies Management, Inc., (TMI) hereby files these comments in response to the Commission's Proposed Rule 4 CSR 240-3.545 published March 1, 2004 (29 Mo Reg 369). The Commission is seeking comment on revisions to its filing requirements for telecommunications company tariffs. The Commission proposes to rescind the current rule and replace it in its entirety. The new rule prescribes the form of and procedures for filing tariffs and updates the current rule's processes, terminology, and technology.

TMI is a telecommunications consulting firm specializing in regulatory compliance. Among other things, TMI assists competitive interexchange and local exchange carriers in obtaining and maintaining their authority to provide telecommunications service in all fifty states, including Missouri. This includes the filing of initial and revised tariffs. As such, TMI has direct experience with the Commission's current procedures, including its procedures for implementing tariff changes, and is interested in the outcome of this proceeding.

TMI supports most of the proposed rule changes, including the use of electronic filing where possible. However, we are concerned that some of the proposed changes do not provide the flexibility needed to effectively track revised tariff pages or offer complex, bundled services. We discuss below proposed amendments to several of the Commission's proposed rules, together with specific proposed text changes.

4 CSR 240-3.545 (7)

This section specifies the placement of various information associated with the officer issuing the tariff. As drafted, the rule requires that all the required information be located at the bottom of the sheet. When tariffs are prepared and read electronically, it is much preferred to have all the relevant page information at the top of each page rather than using footers. The FCC allows an alternative format that is very convenient to prepare and easier to read on a computer screen. A page in the FCC alternative format is attached as Attachment 1. We strongly recommend allowing this alternative format, especially for tariffs filed electronically. We also recommend having the carrier file the tariff page **with** the proposed effective date on it. The page should be resubmitted with a corrected date if the Commission determines that the proposed date is unacceptable. This insures that the electronic version of the tariff matches the filed and approved version which results in better record keeping at the Commission and with the carrier. Moreover, without effective dates on the electronic copies reconstruction is greatly hindered if tariff pages are later found to be missing.

We suggest the following changes to the text of the rule:

(7) The name, title and address of the issuing officer shall appear in the marginal space at the top or bottom of the sheet. The marginal space at the top or bottom of the sheet shall also include the notation "Issued, _____ 20____; effective, _____ 20_____.

4 CSR 240-3.545 (8)(H)

This section lists the information which must be included in a tariff and the order in which the information must be presented. Subsection (H) requires that CLEC tariffs contain a list of all exchanges served. Since CLECs must follow the exchange boundaries of the ILECs, TMI recommends allowing CLECs to reference the ILEC tariffs for lists of exchanges. Most CLECs have interconnection agreements with ILECs that allow them to obtain (and therefore provide) services in any exchange served by the ILEC. Listing exchanges is redundant and will become outdated as the ILEC adds exchanges. Of course, CLECs who offer service in limited numbers of exchanges or who have their own exchanges should continue to list those exchanges.

We suggest the following changes to the text of the rule:

(H) For competitive and incumbent local exchange telecommunications carriers, a tariff shall contain

an alphabetical list of the exchange areas served, including state name if other than Missouri. Areas served must follow exchange boundaries of the incumbent local telecommunications company and also be no smaller than an exchange, absent a ruling by the commission under 392.200(4)(2)(b) RSMo 2000. A competitive local exchange carrier may incorporate by reference the exchange area listing of the corresponding incumbent local exchange carrier, clearly noting in the tariff any and all exceptions.

4 CSR 240-3.545 (9)

This section describes the sheet numbering conventions to be used for both original and revised sheets. It does not contain a requirement for a check sheet. TMI strongly recommends the use of check sheets to show all pages in effect as of the current filing, along with the revision level of each effective page. Like other states, Missouri, has had problems from time to time with missing tariff pages from prior filings. It is very difficult to recreate an effective tariff without some form of check sheet. Without a check sheet tariff page, discrepancies can continue for many years before they are detected. This is particularly true in the case of electronic tariffs.

We suggest the following changes to the text of the rule:

(9) All original sheets and each subsequent sheet added to a tariff must be designated as an original sheet. All changes to tariffs must be designated "First revised sheet canceling original sheet," "Second revised sheet canceling first revised sheet," etc., and must contain reference marks denoting changes. A check sheet may be provided with the tariff which tracks the revisions currently in effect as of the date of the check sheet.

4 CSR 240-3.545 (10)

As currently drafted, this rule appears to require that a tariff filing be made only by an official of the company. As such, an attorney or consultant could not file the tariff on behalf of the company. We suggest the rule be revised to allow an authorized agent to **submit** the tariff on the company's behalf. The responsible officer's name would still be on each page as per the requirements of 4 CSR 240-3.545(7).

We suggest the following changes to the text of the rule:

(10) A tariff shall be filed with the Commission by a duly-designated official of the telecommunications company or an authorized agent.

4 CSR 240-3.545 (12)

This section describes the form for filing rate changes, including the contents of the cover letter. Among

other things, it limits the number of words in the cover letter and requires that all rate changes be shown as a percentage. TMI believes that it will be difficult (perhaps impossible) to include the amount of specificity requested in 100 words or less for large, complex filings. Also, in some cases, a change is not a straightforward percentage because it is also a restructure or includes increases and decreases within the same service. The rule as written anticipates simple, straightforward rate changes. But these types of filings are not the rule. Accordingly, we suggest several revisions to the text of the rule which we believe will accomplish the Commission's goal while providing the flexibility needed for more complex filings.

We suggest the following changes to the text of the rule:

(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 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 company's principal operating office or on its website. The cover letter shall ~~identify each proposed change,~~ provide a brief summary of each the proposed change, and provide the requested effective date of the revised tariff. The cover sheet shall list each revised or new sheet submitted in the filing, with a brief description of the changes proposed on each revised page. Where practical, 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 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) (A) Whether the change or adjustment results in an increase or decrease in price; and,~~
- ~~(D) (B) The current and proposed price or fee; or the percentage change in price.~~

4 CSR 240-3.545 (22)

This section requires carriers to provide a single contact for the regulatory operations of the company. In practice, carriers often have different contacts for different operational areas. Thus, TMI recommends that the rule be revised to accommodate this common practice. Specifically, carriers should be able to designate different contacts for recognized categories of inquiries; *i.e.*, tariff questions, reporting questions, and complaint handling.

We suggest the following changes to the text of the rule:

(22) All telecommunications companies shall provide and update the Manager of the Telecommunications Department of the Commission with the current name, address, telephone number and e-mail address, along with any other suitable means of communications, for the regulatory contact person within the telecommunications company. Telecommunications companies may identify separate contacts for tariff filings, reporting, and complaint handling purposes, where applicable.

For the reasons set forth above, TMI urges the Commission to adopt the changes described above to its proposed revised tariff filing requirements.

Respectfully submitted,

TECHNOLOGIES MANAGEMENT, INC.

By: 

Connie Wightman

Its President

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Dated: April 8, 2004

Attachment 1

SAMPLE TELEPHONE CARRIER, INC.
D/B/A LONG DISTANCE COMPANY
John Q. Officer, Director – Regulatory Affairs
210 Park Avenue North
Winter Park, Florida 32789

International FCC Tariff No. 2
43rd Revised Page 1
Cancels 42nd Revised Page 1
Issued: August 31, 2003
Effective: September 1, 2003