



RICHARD TELTHORST
President

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MAR 30 2004
Missouri Public
Service Commission

March 30, 2004

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

RE: TX-2001-512

Dear Judge Roberts:

Thank you for the opportunity to provide comments on the proposed amendments to Chapter 33 as published in the March 1 and March 15, 2004 editions 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 240-33.020 Definitions. Amend as follows: (7) Casual calling customer is a[n unidentifiable] customer that accesses the telephone network by a dial around pattern such as 10-10-XXX.

Further amend as follows: (31) Transient customer is a user [that is an unidentifiable customer] that accesses telecommunications services through the use of a traffic aggregator such as payphones or hotels.

Comment: Customers using a dial around pattern or a traffic aggregator may be unidentifiable or may be existing customers who choose to occasionally use those calling methods. The change clarifies that either situation applies.

4 CSR 240-33.040 Billing and Payment Practices for Residential Customers. Amend as follows: (4) A company proposing to increase rates for a regulated telecommunications service must provide at least ten (10) days advance written notice, or thirty (30) days advance written notice in the case of a small telephone company as defined in section 392.230.5, RSMo, to affected customers with whom the company has

an on-going business relationship. This requirement includes written notification to a presubscribed customer if a company proposes to increase rates for any service available to the presubscribed customer. Increases in billing increments are considered rate increases and are subject to section 392.500, RSMo. Written notification must be provided to the presubscribed customer for services available to that presubscribed customer but billed to another party such as collect calls or calls billed to a third number. Bill inserts, bill messages, **electronic mail** and direct mailings are acceptable forms of customer notice. Written notification is not required if the affected service with the proposed rate increase regularly announces the applicable rate prior to each time the customer uses the service. Written notification is also not required if the affected service is solely provided to the transient or casual calling customer.

Comment: This change would allow the use of e-mail as an acceptable form of customer notification. Many customers consider e-mail to be the preferable method of communication. It is the primary method of communication with customers who receive their bills electronically.

4 CSR 240-33.060 Residential Customer Inquiries. Amend as follows: [(1) All bills shall clearly identify the company name associated with the toll free number the customers will be calling for billing inquiries and/or to cancel their previously granted consent to certain services that will be charged on the telephone bill.]

Comment: This requirement is redundant of a similar provision already contained in 4 CSR 240-33.040 (8) (K). It is not clear what customer benefit is achieved through the requirement to provide a specific company name in addition to the toll free number. Also, the company name may identify a calling center providing services to several billers, in which case customers would still have to identify the specific services in question in order to resolve the dispute.

Further amend as follows: (3) Upon request of a customer by electronic communications or by writing, all **local exchange** telecommunications carriers shall restrict **all directly-dialed (i.e., 1+ dialed)** 900 numbers from that customer's number at no charge to that customer.

Comment: This function is performed by the local exchange carrier, not by an interexchange carrier and can only be executed on 1+ dialed calls to a 9xx NPA.

Further amend as follows: (4) Upon request of a customer by electronic communications or by writing, the telecommunications carrier providing **inmate-calling** services to state correctional facilities shall restrict all calls, **where technically feasible**, from state correctional facilities to that customer's number at no charge to that customer.

Comment: As written, the rule would require the local exchange carrier providing service to the administrative offices of the facility to block calls to customers. The intent of the rule appears to be to block calls from inmates. The proposed change accomplishes that.

Further amend as follows: (7) Customers shall be **initially** notified of their rights [in **under** sections (3), (4), (5) and (6) above. [at the time of application for service.] Additional notice shall be provided annually thereafter by bill insert, statement on customers bills or annually in the telephone directory. [Each time a customer notifies a telecommunications carrier or its billing agent that the customer's bill contains charges for products or services that the customer did not order or that were not received, the customer will be informed of their rights in sections (3), (4), (5) and (6) at the time the customer notifies the telecommunications carrier or its billing agent.]

Comment: Many customers apply for service by telephone, and a requirement to review these rights at that time on the telephone would be burdensome to both customers and carriers. This change clarifies that carriers may initially notify new customers in writing following application for service, or may use various customer communications (such as a "welcome kit" or other methods) if customers apply for service in person at a carrier's business office.

The additional requirement to notify customers about each one of these rights during every subsequent customer contact is extremely burdensome, and, in many cases, inconsistent with what the customer would be calling about. Customers would likely perceive this as a waste of their time. The rule already clearly requires carriers to perform the services outlined in section (3), (4), (5) and (6) upon customer request. Fulfilling that requirement should fully meet the customer's needs.

4 CSR 240-33.070 Discontinuance of Service to Residential Customers. Amend as follows: (10) If service is immediately blocked or discontinued pursuant to section (9) above, the telecommunications carrier will provide immediate written notification of such blocking or discontinuance to the customer by [certified,] overnight mail or door hanger.

Comment: The requirement to notify customers as soon as possible is understandable. Use of any or all forms of overnight mail, whether or not certified, should provide sufficient customer notice. In addition, certified mail requires that the customer sign for receipt, which could be difficult given the conditions that would prompt action under this section.

4 CSR 240-33.080 Disputes by Residential Customers. Amend as follows: [(1) All bills shall clearly identify the company name associated with the toll free number the customer will be calling for billing inquiries.]

Comment: Refer to above comments following 4 CSR 240-33.060 (1).

4 CSR 240-33.110 Commission Complaint Procedures. Amend as follows: (3) (A) The company shall acknowledge receipt of inquiries related to denial or discontinuance of service issues within [twenty-four (24) hours] **one business day**.

Comment: This change still requires prompt notification of Commission staff, but recognizes that inquiries can be received at the end of the business day on Friday, and that neither commission staff or appropriate company personnel may routinely be available on weekends.

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