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BEFORE THE PUBLIC SERVICE COMMISSION
STATE OF MISSOURI

TRANSCRIPT OF PROCEEDINGS
HEARING
April 19, 2004
Jefferson City, Missouri
Volume 1

In the Matter of Proposed) Case No. TX-2003-0379
Amendments to Commission Rule)
4 CSR 240-3.545 (formerly)
4 CSR 240-30.010))

NANCY M. DIPPELL, Presiding,
SENIOR REGULATORY LAW JUDGE.
ROBERT CLAYTON, III
COMMISSIONER.

REPORTED BY:
TRACY L. THORPE, CSR, CCR
MIDWEST LITIGATION SERVICES

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1 A P P E A R A N C E S

2 MIMI MACDONALD, Senior Counsel

One Bell Center, Room 3510

3 St. Louis, Missouri 63101

314-235-4094

4 FOR: Southwestern Bell Telephone Company, L.P.,
d/b/a SBC Missouri

5

MICHAEL F. DANDINO, Senior Public Counsel

6 P.O. Box 2230

Jefferson City, Missouri 65102

7 573-751-5559

FOR: Office of Public Counsel and the Public

8

BRUCE H. BATES, Associate General Counsel

9 P.O. Box 360

Jefferson City, Missouri 65102

10 573-751-7434

FOR: Staff of the Missouri Public Service Commission

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1 P R O C E E D I N G S

2 JUDGE DIPPELL: Good morning. We'll go ahead
3 and go on the record. This is Case No. TX-2003-0379 in the
4 matter of the proposed amendments to Commission Rule 4 CSR
5 240-3.545, formerly known as 4 CSR 240-30.010. I am Nancy
6 Dippell, I am the regulatory law judge assigned to this
7 matter.

8 We're here today to take public comments on
9 this proposed rule making. There have been several comments
10 filed and if you've made written comments, it's not
11 necessary to repeat those comments here today, but if you
12 have additions or things that you'd like to add, that's
13 perfectly fine.

14 I'll begin by asking if there are any comments
15 completely in support of the rule. If you'd like -- if you
16 have both comments for and against the rule, then we can
17 kind of take those as they come.

18 MR. DANDINO: I have comments in support of
19 the rule.

20 JUDGE DIPPELL: All right, Mr. Dandino.
21 And then we'll go to comments opposed to the
22 rule. I know that many of you here are attorneys and are
23 used to representing your clients as such. In rule-making
24 hearings, everybody is a witness so I will swear you each
25 in. I will ask that you -- the camera is fixed on the

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1 podium so I think I'll just ask that you come to the podium
2 to make your comments. And I believe that's it.

3 Are there any questions before we begin?

4 Then I will ask to begin then with comments in
5 favor of the rule. And Mr. Dandino had indicated that
6 Public Counsel had some comments, so I'll ask if he'd like
7 to begin.

8 MR. DANDINO: Thank you, your Honor.

9 (Witness sworn.)

10 JUDGE DIPPELL: Thank you. Go ahead.

11 MICHAEL DANDINO testified as follows:

12 MR. DANDINO: May it please the Commission.
13 I'm here to speak in favor of the pending rule. In fact,
14 I'm here too strongly support the rule change. It's
15 substantially as Public Counsel proposed it to the
16 Commission. The changes that the Commission adopted in
17 addition to what we proposed is perfectly fine with us.

18 We saw a need for this rule. There was
19 information just missing in the present filings that were
20 being made where a ratepayer or any member of the public
21 looking at the tariffs that were filed would have to go
22 through a lot of looking -- digging through tariffs and
23 would -- in some cases would have to have some technical
24 knowledge of what they were doing and some knowledge of how
25 to search the Commission's records, when Public Counsel

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1 believes that this should be a clear matter of public record
2 of what the Commission -- or what the utility is proposing
3 and what is before the Commission.

4 We have a number of the -- our comments are
5 pretty extensive, very extensive and we're not going to
6 reiterate all of those here, but I think it's just important
7 to remember that the purpose of this is disclosure and
8 notice. And it's important also for the open consideration
9 of tariffs -- of public business by the Public Service
10 Commission.

11 We think it's good procedural practice, it is
12 good public policy and it's good for the protection of the
13 ratepayers and for the promotion of public interest.

14 We believe it costs very little to comply with
15 this. The telephone companies already have to have this
16 information at hand because they're making this basic
17 evaluation and they have to know what they're changing it
18 from and to, and that's what we're asking for, the amount of
19 the change, they have to know that.

20 They should know the percentage of the change
21 because many times they have to comply with the price cap
22 statute which provides for a CPITS, Consumer Price Index for
23 Telecommunications Service, requirement or an 8 percent cap.

24 So it should be on the face of the pleading or
25 the face of the tariff filing, the face of the consumer

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1 impact statement that they comply with the statute and what
2 they're doing. And I think that is such a minimum that
3 we're asking for. And any administrative cost certainly
4 outweighs the procedural benefits and the public policy
5 benefits.

6 I want to just give the Commission -- remind
7 the Commission of one of the reasons why we need this. It
8 happened in the Sprint filing for their 2003 rebalancing,
9 their price cap revisions other than the rebalancing. And
10 this occurred in December of 2003. I think they -- Sprint
11 had filed it in November or even late October with effective
12 date sometime in mid-December.

13 The problem is that it made the statement --
14 the public statement in the cover letter was very vague and
15 general and basically was a parroting of the statute, of
16 saying, We're filing this because it's required by the price
17 cap statute and basically set out the terms of the statute
18 in summary form.

19 At the same time, Sprint provided -- did not
20 file a pleading or an impact statement which designated what
21 the from and to percentage increases were. You could not
22 identify it from the face of what they filed. We're talking
23 about some 1,900 tariff -- or rates, rate changes. I
24 believe in my comments I said 1,500 and that was my
25 recollection, but I think it was closer to 1,900.

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1 And at the same time they filed this, they did
2 file the information that was requested -- or that this rule
3 requires with the Staff of the Commission, but it was not
4 part of the filing and it was not provided as part of the
5 filing to the Office of Public Counsel.

6 So Public Counsel submitted data requests to
7 Sprint. They objected to them generally after 10 days to
8 preserve their interest, that's fine. And then after
9 20 days, the full 20 days allowed by the statute or by the
10 Commission's rules, they provided the information that they
11 provided the Staff.

12 Now, the problem was they provided it to
13 Public Counsel and they provided it to Staff. The
14 Commission didn't have this. It wasn't in their records.
15 And so the Commissioners had requested that the Staff, I
16 think, file a supplemental pleading that delineated what
17 these changes were.

18 We went through a lot of trouble, a lot of
19 expense during this time from the last two months of the
20 year and it was right up against the deadline when the
21 information -- even the information was provided.

22 And when it was provided, Public Counsel
23 stated to the Commissioners that, you know, this is what --
24 exactly what we were looking for. I mean, this was the
25 information we thought was missing and why we raised the

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1 suspension, why we raised an objection to these tariffs.
2 Could have saved a lot of time and trouble.

3 But I think the more important thing is, it's
4 important for the public, it's important for the
5 Commission's records on the face of these records to show
6 what these -- you know, what the changes proposed are going
7 to be.

8 Now, I notice many of the comments by the
9 telephone companies indicate that, oh, there's a 100-word
10 limit in the cover letter. And they make quite a bit of
11 complaint about this 100-word limit, which reminds me of
12 when the judge sentenced the man to three 99-year sentences.
13 And he said, Judge, I can't possibly do it -- do those three
14 99-year consecutive sentences. And the judge says, Well,
15 just do the best you can.

16 And I think that's what we're talking about
17 here. They can do the best they can within the 100-word
18 limit. As far as I'm concerned, that limit can be lifted
19 and only be providing maybe a spreadsheet, which would
20 probably be more beneficial to this.

21 As long as we don't substitute a complete
22 spreadsheet that only has numbers with no narrative that
23 says this is the impact, its impact on it or where the
24 source of their -- either authority or where the tariffs are
25 located.

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1 Many of the commenters also said, Well, they
2 can look through the tariffs, Public Counsel can look
3 through the tariffs, we're just adding additional work.
4 Well, this is something that instigated -- the tariffs are
5 instigated by the company, it's what they want and I think
6 they should be provided -- they should provide the
7 information what they want in a clear and unambiguous and
8 straightforward manner. Thank you, your Honor.
9 JUDGE DIPPELL: Thank you.
10 Commissioner Clayton, did you have any
11 questions for Mr. Dandino?
12 COMMISSIONER CLAYTON: Not at this time. Is
13 he going to stick around?
14 MR. DANDINO: Yes, sir.
15 JUDGE DIPPELL: Are there any other comments
16 in support of the rule? All right. Are there comments
17 opposed to the rule? Anyone like to -- Mr. Bates, did Staff
18 have comments?
19 MR. BATES: Yes, thank you.
20 JUDGE DIPPELL: Are you going to be making the
21 comments?
22 MR. BATES: Not specifically. What I might
23 argue is -- excuse me. I'd ask the Commission to accept
24 Ms. Dietrich is here. She is able much more ably than I
25 am to comment on the specifics of Staff's position. She's

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1 available.

2 JUDGE DIPPELL: All right. Then,
3 Ms. Dietrich, would you like to come up? If the podium is
4 okay, I'd just let you come up there, if you don't mind
5 standing.

6 MS. DIETRICH: That's fine.
7 (Witness sworn.)

8 JUDGE DIPPELL: Thank you.

9 NATELLE DIETRICH testified as follows:

10 MS. DIETRICH: First of all, I wanted to start
11 by stating that the proposed rule was largely intended to
12 update 4 CSR 240-3.545 which contains many outdated
13 references and processes. The proposed rule incorporates
14 current terminology and processes and allows for electronic
15 filings.

16 Staff has reviewed the comments filed in this
17 case and offers the following response. We are generally in
18 support of the rule as filed with one exception. And then
19 we do have some changes based on comments from other
20 parties.

21 For many of the sections the intent of the
22 proposed rule is to provide guidance in preparing tariffs
23 for submission to the Commission, not to mandate specific
24 terminology. There was never an intent during the
25 rule-making process to require companies to completely

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1 rewrite their tariffs or to resubmit tariffs that are
2 currently in effect.

3 Therefore, Staff suggests that the following
4 sentence be added to Section 3 of the rule, Unless
5 specifically indicated, tariff pages or sheets in effect as
6 of the effective date of this rule are considered in
7 compliance with the rule.

8 For Section 7, a few of the comments stated
9 that the issuing officer has delegated responsibilities to
10 another representative. Staff suggests that Section 7 be
11 modified to state, The name, title and address of the
12 issuing officer or company designated representative shall
13 appear in the marginal space at the bottom of the sheet.

14 In the same section, technologies management
15 suggests that the section be modified to allow for the
16 issuing effective date and the issuing officer or
17 representative information to appear either in a header or
18 in a footer.

19 The telecommunications department staff
20 reviewed this request. And while we don't have any
21 objection to the request, I did speak with the data center
22 about the technology -- or the technical merits of that.
23 There are some technical limitations that would need to be
24 considered if the Commission wants to move with that
25 recommendation.

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1 What the data center said was that wherever
2 the effective date does ultimately appear, there needs to be
3 enough space for the data center to enter a new effective
4 date. And this comes into play if a company requests an
5 extension or if the tariff should be suspended and then
6 ultimately go into effect at some later date. They have to
7 have space to actually put in what date that tariff goes
8 into effect.

9 Another technical limitation, they have to
10 place an electronic stamp on each tariff that says that it's
11 been approved by the PSC. And this stamp requires
12 approximately a three-quarter by three-quarter inch space.
13 So as long as those two requirements are met or
14 accommodations are met so they have room for those things,
15 they did not have a problem with that suggestion either.

16 For Section 8, SBC suggests several changes.
17 Staff supports SBC's -- Staff supports SBC changes to
18 Section 8 B, C and D as proposed, and that's on page 2 of
19 SBC's comments.

20 As far as Section G, Staff understands SBC's
21 concerns with that section, but we do not support the
22 proposed change. Instead we propose to modify the
23 introductory of the section as follows, Tariffs for all
24 telecommunications services shall contain the following
25 information and shall be updated as changes occur.

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1 For new tari-- or excuse me, for new tariffs
2 filed after the effective date of this rule, information
3 contained in Sections A through F will appear at the
4 beginning of the company's tariff.

5 For Section 8 G, AT&T states that this section
6 is unlawful because it regulates marketing and advertising
7 practices. AT&T also suggests that the rule requires it to
8 advertise its interstate offerings, which it -- excuse me,
9 intrastate offerings, which it may not do at this time.

10 Staff disagrees with these comments. The
11 intent of the rule, just for clarification, is that it
12 regulates the tariffs and what the tariffs look like. For
13 instance, if an offering is advertised as Call Across Town
14 Plan, then the tariff name must also be Call Across Town
15 Plan.

16 We have had situations where customers contact
17 the PSC with questions about a plan and they may call up and
18 say, We have this Call Across Town Plan and when we go and
19 look in the tariffs and all the plans in the tariffs are
20 listed as Plan A, Plan B, Plan C or some other name.

21 So we're not able to easily cross-reference
22 the name the customer is calling about with the name that's
23 in the tariff. So that was the intent of that section, was
24 to make sure that whatever the customer name -- whatever the
25 customer recognizes as the name is the name that's in the

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1 tariff.

2 Then that section also was intended to ensure
3 that any offering name that includes a rate accurately
4 reflects the rate within the plan for the interstate
5 offering. For instance, a plan cannot be called a Nickel
6 Plan but the intrastate rate would be 15 cents or some other
7 rate, so that was the other point of that section.

8 For Section 8 H, a few of the commenters
9 suggested changes to this section. We've kind of
10 incorporated the changes and we support a change as follows,
11 For competitive and incumbent local exchange
12 telecommunications carriers, a tariff shall contain an
13 alphabetical list of the exchange area service by rate group
14 if applicable, including state name if other than Missouri,
15 period.

16 Competitive local exchange carriers shall be
17 permitted to provide an alphabetical list of the exchange
18 area by incumbent local exchange carrier, period. Areas
19 served with basic local exchange service must follow
20 exchange boundaries of the incumbent local exchange
21 telecommunications company and also must be no smaller than
22 an exchange absent a ruling by the Commission under 392.200,
23 Section (2) (b), RSMo 2000.

24 Staff objects to the recommendations that
25 companies be allowed to concur in the exchange lists of the

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1 ILEC by having the companies affirmatively state in their
2 tariff each exchange that they plan to offer service. It's
3 easier for someone searching the tariffs to make sure that
4 they understand the exchanges that are being served and it
5 also makes it easier for the Commission and Staff and OPC
6 and it resolves doubts that a competitor is serving the
7 entire service area as certificated.

8 For Section 9, commenters suggest this section
9 is restrictive and could result in companies having to
10 refile all tariffs in effect. As I previously stated, it
11 was not intended for over 600 companies to rewrite their
12 tariffs, but to provide general guidance for tariff
13 formatting.

14 Therefore, Staff proposes this section be
15 modified as follows, All new tariffs or all new pages added
16 to tariffs shall be designated as an original sheet, open
17 paren, page, closed paren, period.

18 All changes to tariffs must be designated
19 substantially as follows, colon. First revised sheet, open
20 paren, page, closed paren, cancelling, open paren, cancels,
21 comma, replaces, closed paren, original sheet. Second
22 revised sheet, open paren, page, closed paren, cancelling,
23 open paren, cancelled, comma, replaces, closed paren. First
24 revised sheet, open paren, page, closed paren, etc., and
25 must contain reference notes -- reference marks denoting

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1 changes.

2 On Section 9, also technologies management
3 suggests the rule provide for the use of check sheets.
4 Check sheets are not used in Missouri because we have found
5 them to be inaccurate. Staff will not object if a company
6 submits a check sheet, but Staff does not support
7 incorporating check sheet language in the rule which would
8 imply that the Commission and Staff are endorsing the use of
9 the check sheets.

10 For Section 13, AT&T suggests this section is
11 duplicative and unnecessary. In recent past EFIS was
12 modified to allow for 100 words in the comment section.

13 Therefore, Staff supports AT&T's comment and
14 suggests the section be modified as follows, All
15 telecommunications companies are required to submit a clear
16 and concise statement as to the purpose of the filing when
17 submitting any tariff filing electronically through EFIS.

18 This statement may be in lieu of the cover
19 letter required in 4 CSR 240-3.545, 12 providing it contains
20 all the information required of cover letters as outlined in
21 4 CSR 240-3.545, 12. This statement shall be entered on the
22 appropriate EFIS tariff submission screen.

23 For Section 14, several commenters suggest
24 that Section 14 be modified to link associated tariff filing
25 together. While Staff acknowledges this request is

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1 reasonable, the requirement that each PSCMo number have a
2 separate tracking number is a shortcoming of EFIS at this
3 time. What the commenters recommend cannot be accommodated
4 in EFIS without significant change orders. And I have
5 talked to our information services department about this.

6 Therefore, Staff recommends the following
7 language be added to Section 14, That related tariff filings
8 impacting multiple PSCMo number tariffs shall be linked
9 together when technically feasible.

10 For Section 15, several commenters request the
11 customer notification language be modified because customer
12 notice may not be required and customer notice is not always
13 sent by the time tariff filings are submitted to the
14 Commission. Many commenters also request that the
15 requirement to send customers -- or to send notice to
16 customers at least 10 days in advance of the rate's
17 effective date be removed. Several commenters also note the
18 reference to Chapter 33 is in error.

19 Staff agrees with suggestions, however, Staff
20 does not agree that the 10-day language be removed. It is
21 not an unreasonable expectation to require companies to
22 provide customers 10 days notices of rate changes.

23 We suggest that the language be modified as
24 follows, All telecommunications companies are required to
25 submit to the Commission with the tariff filing a copy of

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1 the notification of rate increases that was sent or will be
2 sent to customers pursuant to 4 CSR 240-33.0404 and a
3 positive affirmation in writing that the notice was sent or
4 will be sent to customers at least 10 days in advance of the
5 rate's effective date.

6 At Section 16, Sprint proposes to change this
7 section to allow for new service offerings to be submitted
8 to the Commission with a 7-day effective day date. Staff
9 objects to this suggestion. Tariff filing requirements are
10 typically dictated by statutory guidelines.

11 For Section 19, several commenters suggest
12 promotions filed with the Commission on 7- or 10-day notice
13 should be tied to whether a service is competitive, not
14 whether the company is competitive. Staff supports this
15 comment and suggests companies be replaced with services
16 each time it appears in Section 19. Staff also recommends
17 the parenthetical reference to ILECs be removed with this
18 change.

19 At Section 20, some of the commenters
20 recommend the customer notice requirement in Section 20 be
21 removed because not all name changes affect the general
22 public.

23 Staff recommends the last sentence in Section
24 20 be modified as follows, In addition to following the
25 items in 4 CSR 240-2.060, applicant must notify its

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1 customers at or before the next billing cycle of any name
2 change affecting customer recognition of the company and
3 file a copy of that notice with the adoption notice.

4 This would allow the Commission and/or Staff
5 and Public Counsel to request customer notification if
6 there's a discrepancy in what's considered customer
7 recognition of the names.

8 Section 22, this section requires companies to
9 provide and maintain a current regulatory contact for the
10 telecommunications department. Technologies management
11 suggests this requirement be expanded to include tariff
12 filings, reporting complaints, whatever type of contact
13 there might be.

14 EFIS already provides a source for providing
15 these various contacts. What Staff was looking for in this
16 section was a contact -- a regulatory contact to be
17 submitted to the telecommunications department so we know
18 who to contact with regulatory type questions realizing that
19 if we needed the other information, we could go to EFIS.

20 Finally, as stated in our written comments,
21 Staff strongly opposes the current cover letter requirements
22 contained in Section 12 and supported by OPC. As all other
23 parties except OPC have stated, these requirements are
24 excessive and should not replace the review process that a
25 company files.

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1 OPC cites the recent current price cap filing
2 in support for the enhanced cover letter requirements, but
3 as OPC notes, much of the information that ultimately
4 satisfied the request of OPC and the Commission was
5 contained in spreadsheets and some in highly confidential
6 documents.

7 These documents are supporting documents and
8 should be available from any company upon request by Staff
9 or OPC. And Staff agrees that this concept -- that
10 information should be provided upon request, but does not
11 think the requirement should be included in the rule
12 requesting that information to be provided in a cover letter
13 for all companies for all tariff filings.

14 Staff reiterates its position that the cover
15 letter should contain enough information to inform the
16 reader of the intended changes and whether those changes
17 result in increases or decreases to the customer.

18 The reader can then decide if it is necessary
19 to further review the remainder of the public document,
20 which is the tariff, which is filed with the Commission at
21 the time of the cover letter and contains all the changes
22 and reference marks and highlights those sections.

23 Mr. Dandino mentioned the fiscal impact, so I
24 thought I'd just briefly explain how we came up with the
25 fiscal impact. We contacted several entities that filed

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1 tariffs before the Commission knowing that depending on the
2 type of company, they use different means for filing.

3 For instance, some companies go to -- their
4 corporate office prepares the tariffs, sends the tariffs to
5 their local office here in Jefferson City or in Missouri and
6 it's that local office that actually goes through that
7 tariff and pulls out the information to put in a cover
8 letter. Some companies have it all done at the same office
9 depending on their size. Then other companies use vendors
10 or consultants to put together the information.

11 So we contacted companies that use all those
12 different means, asked them for the fiscal impact. There
13 was a wide range in the dollar amounts that we were provided
14 for tariff filing that these cover letter requirements would
15 provide.

16 We took those numbers, tried to average them
17 together, tried to calculate them out by the types of
18 filings that we received from these different types of
19 entities and that's how the fiscal impact was calculated.
20 I'll be glad to answer any questions or explain any of these
21 changes in more detail.

22 JUDGE DIPPELL: Thank you. Commissioner
23 Clayton, did you have questions?

24 I just have one question for you,
25 Ms. Dietrich. You were discussing Section 13 and the

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1 limitations of EFIS. If that concise statement is allowed
2 to be substituted for the cover letter in EFIS, do you know
3 on that who will be able to view or will everyone be able to
4 view that concise statement in the electronic filing system?

5 MS. DIETRICH: Everyone should be able to
6 review the concise statement in the electronic filing
7 system. I know right now -- there was some discussion in
8 agenda about one of them appeared that said the reason it
9 was entered was Lisa requested this change. So I know even
10 the Commissioners are able to see that.

11 JUDGE DIPPELL: Okay. But would the general
12 public be able to see that just as they would be able to see
13 a cover letter if that were filed?

14 MS. DIETRICH: That I'm not sure of.

15 JUDGE DIPPELL: Okay. Okay. That's all the
16 questions I have for you. Thank you.

17 THE COURT REPORTER: Would you state and spell
18 your name, please?

19 MS. DIETRICH: Natelle, N-a-t-e-l-l-e,
20 Dietrich, D-e-i-t-r-i-c-h.

21 JUDGE DIPPELL: Are there other comments in
22 opposition or -- Ms. MacDonald, would you like to come
23 forward?

24 MS. MACDONALD: Did you want to briefly do
25 entries of appearance?

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1 JUDGE DIPPELL: Well, since this is a
2 rule-making hearing, everybody is really a witness here. so
3 instead, I will ask you -- and like I should have asked
4 Ms. Dietrich and Mr. Dandino to state your name and --
5 MS. MACDONALD: Okay. Well, I'm not going to
6 make our comments, so that's why I was asking. But my name
7 is Mimi MacDonald, M-i-m-i, my last name is MacDonald,
8 M-a-c-D-o-n-a-l-d and I'm appearing on behalf of
9 Southwestern Bell Telephone, LP doing business as SBC
10 Missouri. My business address is One SBC Center, Room 3510,
11 St. Louis, Missouri 63101.
12 And for SBC's comments about today's proposed
13 rule, we're prepared to present Jason Olson, who's direct
14 regulatory for SBC Missouri.
15 JUDGE DIPPELL: All right. Thank you.
16 Mr. Olsen?
17 (Witness sworn.)
18 JASON OLSON testified as follows:
19 JUDGE DIPPELL: Would you please state your
20 name and spell it for the court reporter?
21 MR. OLSON: My name is Jason Olson, J-a-s-o-n
22 O-l-s-o-n.
23 JUDGE DIPPELL: Go ahead with your comments.
24 MR. OLSON: Thank you. SBC Missouri
25 understands the Commission's desire for uniform tariff

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1 filing rules. However, SBC believes these revisions are
2 unnecessary. To the extent that the Commission determines
3 to go forward with these proceedings, SBC would like to make
4 specific comments.

5 In my comments there will be two themes
6 throughout. One of them being that we want these tariff
7 filings to be prospective in nature only, as Ms. Dietrich
8 discussed; and two, we would ask the Commission to allow
9 these rules to be as flexible as possible.

10 We ask these rules to be prospective in nature
11 because refiling tariffs and resubmitting tariffs would
12 be -- would cause significant efforts and be significantly
13 costly to the Commission, its Commission Staff and the
14 carriers as well.

15 SBC alone has thousands of tariff pages and it
16 would be unnecessary and, more importantly, no consumer
17 benefits could be derived from refiling these tariffs. We
18 ask the Commission to make these prospective in nature.

19 Second theme would be within the context of
20 the rules, we'd like to make them as flexible as possible.
21 And the reason we ask for this is SBC, like many other
22 carriers, operates in a multi-state jurisdiction. And to
23 the extent that we can keep flexibility in these rules, it
24 allows SBC and other carriers who operate in multiple
25 jurisdictions to standardize the tariff processes as much as

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1 possible.

2 And I can give you an example. In the
3 Ameritech states of SBC, they have one tariff filing that no
4 matter what state you go to, the section and the section --
5 the tariff and the section over it contains the same
6 information for each state.

7 And while we're not there yet in the SBC
8 southwestern states, that would be a goal to move forward to
9 and allowing flexibility would help that. And we believe
10 that that benefits customers by allowing tariff filings --
11 or tariff information to be easily located.

12 Since all the rules in this proceeding are in
13 one rule, I'll simply refer to the rules I'm discussing as
14 number. With respect to No. 3, SBC Missouri attempted to go
15 through each subsection of this rule to make it prospective.

16 For example, in No. 4, SBC Missouri adds
17 language that, Effective on a specified date in the future,
18 tariffs will become -- tariffs must comply with this rule.
19 We believe this is superior language. By adding a specific
20 date will eliminate any confusion about when the CLEC or
21 when an ILEC has to comply with these rules.

22 AT&T and MCI both offer language in Section 3.
23 While SBC agrees with that language, we think adding
24 language in 4 and in other places throughout the tariff that
25 contains a specific date will make it absolutely clear that

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1 carriers will know when they need to change their tariff
2 filing practices.

3 With respect to No. 7, technology management
4 advocates resubmitting tariffs if the effective date
5 changes. SBC Missouri is opposed to this ruling. SBC
6 believes that the current practice of bates stamping tariffs
7 works well. We don't see the need to change this and we ask
8 the Commission not to accept TMI's proposals.

9 With respect to No. 8, SBC Missouri has two
10 comments. Although not in a written comments, SBC Missouri
11 proposes to add the following language at the beginning of
12 this section. Effective with tariff filings that are filed
13 after -- and then we'll insert a date -- the sentence would
14 then continue, Tariffs for all telecommunications services
15 shall contain the following.

16 SBC Missouri proposes to leap the phrase in
17 the order listed and continue -- and continuing that
18 sentence, Shall be updated as changes occur.

19 Thus, the first sentence would read, Effective
20 with tariff filings that are filed after this date, tariffs
21 for all telecommunications companies services shall contain
22 the following information and shall be updated as changes
23 occur. Again, this language ensures that this rule would be
24 prospective in nature for the same reason as stated before.

25 Our second comment is SBC believes that the

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1 company should be able to list their exchanges
2 alphabetically. SBC, and I believe other carriers as well,
3 their local exchange rates are linked to rate groups.
4 Let's consider Hayti and Harvester for a
5 minute. Hayti is a rate group A exchange and Harvester is a
6 rate group B exchange. In our local exchange tariff, we
7 have a local -- a local rate for each rate group, not each
8 specific exchange.
9 So by allowing carriers to list exchanges
10 alphabetically by rate group will make it easier for
11 customers to understand what rates they'll be charged should
12 they be looking at our tariff. We believe it's just a more
13 practical structure.
14 With No. 9, again, we ask the proposed
15 language be prospective in nature. Companies should be
16 allowed to be flexibly -- the flexibility should be allowed
17 to determine how they codify their replacement pages.
18 Whether a carrier chooses to use the word
19 "sheet" or the word "page" or the word "cancel" or the word
20 "replace," as long as the carriers clearly identify what
21 they're doing and they're consistent throughout their
22 tariffs, we'd ask the Commission for flexibility on this.
23 In No. 12, SBC Missouri wishes to add language
24 that we did not include in our written comments. SBC
25 Missouri proposes to modify the second sentence as follows,

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1 A proposed change shall be submitted in the form of revised
2 tariff accompanied by a cover letter, period. And we delete
3 the word "and."

4 At least 10 days in advance of a tariff's
5 effective date all telecommunications companies shall
6 file -- and then we continue with -- a copy of any customer
7 notice sent or required to be sent to the proposed changes.

8 SBC would note that most of the time customer
9 notification will be completed at the time the tariff is
10 filed; however, there will be instances when customer
11 notification will not have been drafted.

12 Again, we're asking for the flexibility for
13 these situations, the rules to be flexible enough to reflect
14 these what we'll call rare situations.

15 Our second comment on this, SBC Missouri,
16 along with other parties, advocate the removal of the
17 following sentence, The cover letter should be limited to
18 approximately 100 words or less.

19 Often with our tariff filings, they require
20 substantial tariff changes and explaining them with 100
21 words is just not possible.

22 Our third modification to Section 12 is after
23 reviewing the comments filed by all parties that comment in
24 this proceeding, SBC Missouri wishes to support MTIA's
25 proposed language. Specifically, MTIA proposes to modify

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1 the fifth sentence as follows, The cover letter shall
2 identify each proposed change or category of change, provide
3 a brief summary of each proposed change or category of
4 changes, identify the general effect of the change on the
5 company's customers and provide the requested effective date
6 of the revised tariff.

7 SBC Missouri continues this recommendation to
8 delete the last two sentences of this -- of this rule. And
9 we certainly support Staff and other parties' request to
10 delete the last sentence in its entirety.

11 SBC Missouri also notes that TMI proposed to
12 combine the last two sentences to read, Where practical,
13 each change or adjustment in the price for fees the summary
14 shall identify, A, whether the change is adjustment, results
15 in an increase or decrease in the price; and B, the current
16 and proposed price for fee a percent change in price.

17 SBC objects to TMI's proposed change because
18 we believe the words "too practical" is too indefinite to
19 provide clarity as to what is required on behalf of
20 companies with respect to their tariff filings. SBC
21 believes with respect to the changes, it strikes a
22 reasonable balance for providing meaningful customer
23 information and not being overly burdensome on
24 telecommunications customers.

25 With respect to 14, SBC Missouri has proposed

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1 language subsection 14 that it believes is superior to other
2 parties. We believe this language is superior because it
3 clarifies that although tariff submissions are to be filed
4 separately, meaning that we'll have a tariff filing separate
5 for each Public Service Commission numbered tariff, multiple
6 tariffs may be assigned the same tracking number.

7 We believe our language is superior because it
8 makes explicitly clear that tariff filings while filed
9 separately are -- are linked together. While conceptually
10 SBC agrees with Sprint's and MCI's changes, it recommends
11 that the Commission adopt its proposals.

12 We need a meaningful way to link tariffs and
13 we prefer an EFIS solution be created to fix this problem.
14 For instance, when you file a tariff in EFIS, EFIS asks you
15 if this tariff is linked to a case number. Perhaps EFIS
16 could be modified to add, you know -- ask the questions is
17 this tariff filing linked to another tariff filing number?
18 And hopefully this would correct the need that all the
19 carriers -- or address the needs that all carriers have to
20 link the tariff filings together.

21 With respect to 15, our comments are similar
22 to 12. SBC Missouri requests the addition of its language,
23 It is conceivable that customer notes may not be completed
24 until the tariff is filed. We'd just wish -- we'd just ask
25 the Commission for flexibility for these rare circumstances

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1 where that occurs.

2 With respect to 17, MCI proposes language to
3 address situations where tariff filings will be made in
4 compliance with Commission orders. SBC does not object to
5 MCI's proposed changes in 17.

6 In 19, SBC Missouri, Sprint and CenturyTel all
7 agree that services should be used for tariff
8 classification, the filing intervals should -- the service
9 should be the basis, not the competitive or non-competitive
10 status of the company.

11 And with respect to 20, Sprint and MCI propose
12 that the last sentence of this rule be deleted. SBC
13 Missouri supports this change. When Southwestern Bell
14 changed its name from Southwestern Bell Telephone Company to
15 Southwestern Bell Telephone, LP, if we would have notified
16 our customers of that change, it would simply cause
17 confusion and likely unnecessary calls to the business
18 office.

19 We believe that customers -- or excuse me,
20 companies should have the flexibility to determine when it
21 is appropriate to notify its customers. I believe companies
22 are in the best position to know when that is required.

23 These are the initial comments that we have on
24 behalf of SBC. If anybody has questions, I'd be happy to
25 answer those questions.

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1 JUDGE DIPPELL: Thank you, Mr. Olson. I don't
2 believe there's any questions for you.

3 MR. OLSON: Thank you.

4 JUDGE DIPPELL: Thank you. Are there other
5 comments to be made? Go ahead and come --

6 MR. IDOUX: Go morning, Judge. John Idoux on
7 behalf of Sprint.

8 (Witness sworn.)

9 JOHN IDOUX testified as follows:

10 JUDGE DIPPELL: Would you go ahead and state
11 your name and spell it for the court reporter?

12 MR. IDOUX: It's John Idoux, I-d-o-u-x. My
13 address is 6450 Sprint Parkway, Overland Park, Kansas 66251.

14 JUDGE DIPPELL: Go ahead with your comments.

15 MR. IDOUX: I don't necessarily have any
16 additional comments other than the ones that Sprint did
17 propose on April 12th. I just wanted to make myself
18 available for any questions that you or the Commissioners
19 may have.

20 JUDGE DIPPELL: Let me double check and make
21 sure. I don't believe we have any questions for you,
22 Mr. Idoux.

23 MR. IDOUX: Thank you.

24 JUDGE DIPPELL: Appreciate you coming forward.

25 Mr. Kohly, do you have comments?

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1 MR. KOHLY: I have no comments but will answer
2 questions.

3 JUDGE DIPPELL: I don't believe I have any
4 questions for AT&T.

5 MR. KOHLY: I'll save the appearance.

6 JUDGE DIPPELL: Are there any other people
7 that would like to make comments? A lot of people out
8 there.

9 Okay. Then if there are no further
10 comments, -- anything further? Then I will conclude the
11 on-the-record portion of this hearing and I appreciate you
12 all coming today. Thank you very much. We can go off the
13 record.

14 WHEREUPON, the hearing was adjourned.
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