

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held in Jefferson
City, Missouri on the 9th day of
April, 2013.

In the Matter of the Review of the)
Relay Missouri Surcharge)

File No. TO-2013-0416

**ORDER GRANTING INTERVENTION, ORDER ADOPTING RELAY
MISSOURI FUND REVIEW AND ORDER REDUCING FUND SURCHARGE**

Issue Date: April 9, 2013

Effective Date: July 1, 2013

Background

On March 12, 2013, the Staff of the Missouri Public Service Commission filed a Motion to Reduce Relay Missouri Surcharge. Attached to that Motion was a summary of the Staff's detailed review of the funding of the Deaf Relay Service and Equipment Distribution Fund ("hereafter fund"). Staff's review was conducted pursuant to 209.259 RSMo 2000. That review is attached hereto as Attachment A.

The Relay Missouri fund is used to provide funding support for two primary purposes. One purpose is to fund Relay Missouri and CapTel services. The Commission administers those services, and Missouri Assistive Technology distributes the equipment. The second purpose is to fund an equipment distribution program for qualifying individuals who are unable to use traditional telecommunications equipment due to disability.

Staff reviewed the level of the surcharges, the fund balance, the retention amount that compensates the local telephone companies that collect and remit the surcharges, and

the expenditures for Relay Missouri. Staff noted that the fund balance as of November 30, 2012 was \$5,965,918.

Staff recommended the Commission reduce the Relay Missouri surcharge from \$.11 to \$.08 effective July 1, 2013. Further, Staff recommended that the Commission maintain the current retention that companies retain for recovering costs associated with billing, collecting and remitting Relay Missouri surcharge revenue. That retention amount is one percent of the amount collected, or \$30 per month, whichever is greater.

The Commission issued an Order and Notice on March 13, 2013, allowing potential intervenors until March 22, 2013 to request intervention. That notice specifically ordered that the Missouri Assistive Technology Council, the Missouri Council of the Blind, and the National Federation of the Blind – Missouri receive notice.

The Commission received a timely application to intervene by Southwestern Bell Telephone Company, d/b/a AT&T Missouri. AT&T Missouri pled that it bills the Relay Missouri surcharge to its end-user customers. Thus, it has an interest in the continued accurate and timely billing of any Commission-ordered surcharge.

AT&T Missouri does not object to Staff's request. But it asks that any Commission order changing the surcharge amount have an effective date approximately 60 days from the date of the order. AT&T Missouri asks this so that it will have enough time to change its billing system.

Commission Rule 4 CSR 240-2.080(15) allows ten days for responses to pleadings. The Commission received no responses to AT&T Missouri's application to intervene.

Commission Rule 4 CSR 240-2.075(4) allows the Commission to grant intervention to a person who has an interest different from that of the general public and which may be

adversely affected by a final order arising from the case, or if granting intervention would serve the public interest. Upon review of the unopposed application, the Commission finds that AT&T Missouri meets the standard in Commission Rule 4 CSR 240-2.075(4). Therefore, the Commission will grant the application to intervene.

Discussion

Section 209.259 requires the Commission to review the deaf relay service and equipment distribution fund surcharge no less frequently than every two years. It also requires the Commission to order changes in the amount of the surcharge as necessary to assure available funds for the programs enumerated in Section 209.253.

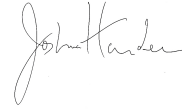
The Commission finds the Staff's review was properly conducted. Technological changes, such as internet-based relay services, are resulting in traditional relay users migrating away from Relay Missouri. Thus, adopting Staff's recommendation should allow the fund to remain solvent and available for those customers who need it, while reducing the bills of all Missouri landline subscribers. The Commission further finds that the current retention amount is sufficient and shall be maintained unchanged.

THE COMMISSION ORDERS THAT:

1. The application to intervene filed on March 14, 2013, by Southwestern Bell Telephone Company, d/b/a AT&T Missouri, is granted.
2. The Relay Missouri surcharge shall be reduced to \$0.08, effective July 1, 2013.
3. The amount retained by local exchange companies shall be unchanged.

4. This order shall become effective on July 1, 2013.
5. This case shall be closed on July 2, 2013.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read "Joshua Harden".

Joshua Harden
Secretary

R. Kenney, Chm., Jarrett, Stoll,
and W. Kenney, CC., concur.

Pridgin, Senior Regulatory Law Judge