



RICHARD TELTHORST
President

FILED⁴
JUL 12 2005

Missouri Public
Service Commission

July 12, 2005

Colleen M. Dale, Secretary
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102

**RE: Case No. AX-2005-0364
4 CSR 240-2.071**

Dear Ms. Dale:

Thank you for the opportunity to provide comments for the record in the above-captioned case. As you know, our association includes member companies that are regulated by the Commission and that must comply with the provisions of this proposed rule. These comments are offered with the objective that the procedure ultimately adopted by the Commission will be equitable and workable for all parties involved.

- The rule should apply more narrowly to complaints regarding regulated services provided to customers, not generally to companies regulated by the Commission. Regulated telecommunications companies can and do provide a number of services to customers that are unregulated by the Commission and would not be subject to the Commission's jurisdiction. The second sentence in (1) specifies that the rule applies to complaints about services. That distinction should be further clarified in the first sentence.
- The general term "complaints" should be defined so that it is clear what constitutes a "small complaint" under the rule. Some dollar amount would provide an objective threshold. We would suggest that the threshold could be defined as a dispute involving amounts up to and including \$1,000. We would also suggest that the rule be limited for use by individuals only, not businesses.
- The rule as proposed requires that all complaints, regardless of merit, be set for a hearing. The regulatory law judge should be allowed some discretion to dismiss complaints without a hearing when appropriate.

- Since the complainant may use the procedure without an attorney, it is not clear if usual legal procedures, such as discovery and cross-examination, will be allowed. This should be clarified.
- Complainants should first be required to use the existing informal complaint process outlined in 240-2.070 before resorting to this procedure. That process works well to resolve the bulk of complaints and should not be superseded by this alternative procedure.
- The judge should be allowed to call upon the expertise of the technical staff if so desired, but there is no need for the "neutral" investigation and report detailed in (D). The Office of the Public Counsel, designated by statute as a consumer advocate, will of course not be a neutral party. If the goal is to expedite a decision regarding a small complaint, intervention by multiple parties should be avoided.
- The rule is not clear as to who will preside over the rehearing allowed in (5). We would recommend that the Commission serve as that body.

Thank you for making these comments part of the case record. Please contact me if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Rich. Telthorst", written in a cursive style.

Richard Telthorst, CAE
President