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May 17, 2004

The Honorable Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102-0360

FILED
MAY 17 2004

Re: Case No. TX-2004-0154

Missouri Public
Service Commission

Dear Judge Roberts:

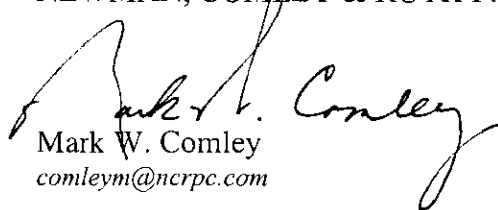
Please find enclosed for filing in the referenced matter the original and five copies of the Written Comments of Heart of America United Way, Inc.

Would you please bring this filing to the attention of the appropriate Commission personnel.
Thank you.

Very truly yours,

NEWMAN, COMLEY & RUTH P.C.

By:


Mark W. Comley
comleym@ncrpc.com

MWC:ab

Enclosure

cc: Office of Public Counsel
General Counsel's Office
W. Thomas Dugard, Jr.

BEFORE THE PUBLIC SERVICE COMMISSION OF
THE STATE OF MISSOURI

FILED
MAY 17 2004

In the Matter of Proposed Rule)
4 CSR 240-32.200 adopting General)
Provisions for the Assignment, Provision)
And Termination of 211 Service)

Case No. TX-2004-0154

Missouri Public
Service Commission

WRITTEN COMMENTS OF
HEART OF AMERICA UNITED WAY, INC.

The Commission caused to be published a notice of proposed rulemaking in Volume 29, Number 8, *Missouri Register*, at page 646, proposing to adopt general provisions as to the assignment, provision and termination of 211 service in Missouri. The Commission accompanied the notice with further notice of public hearing and notice to submit comments. Per the notice, written comments are due on or before May 17, 2004.

The Heart of America United Way, Inc. (HAUW) is a nonprofit corporation as defined in, and exempted from taxation pursuant to, 26 USCA §501(c)(3). HAUW is organized and existing under the laws of the State of Missouri and is specifically organized and operated to conduct community-wide fundraising efforts; allocate financial resources to member health and human service organizations; and connect citizens to service and volunteer opportunities. HAUW is currently an applicant for authority to become an authorized Missouri Information and Referral (I&R) Provider. Its application before the Commission preceded the filing of the instant rule, and the Emergency Rule of the same citation which is now in force. HAUW has a direct interest in the final version of 4 CSR 240-32.200.

HAUW's comments are confined to the proposed text of CSR 240-32.200(2)(C) below:

(2) When a telecommunications company receives a request from an entity to use 211 as the Information and Referral Provider for a geographic area, the telecommunications company shall:

* * *

(C) Submit a tariff to the commission, if no tariff exists, incorporating rates, terms and conditions for 211 service; the tariff shall include rates established pursuant to the provisions of section 390.220(3), RSMo;

As it has been proposed, 4 CSR 240-32.200(2)(C) does not set a time limit within which a telecommunications company must submit a tariff for approval to the Commission. Although HAUW would anticipate that telecommunications companies would promptly respond to an entity's request for 211 service, and then submit needed tariffs, it is HAUW's position that the rule itself should establish a deadline within which telecommunications should comply. HAUW suggests that subsection (C) be modified to read as follows:

(C) Within thirty (30) days, unless the commission allows a different time, submit a tariff to the commission, if no tariff exists, incorporating rates, terms and conditions for 211 service; the tariff shall include rates established pursuant to the provisions of section 390.220(3), RSMo;

With these modifications, the rule would create a definite deadline, subject to extension with Commission approval, within which a telecommunications company must file a tariff in response to a request for 211 service. Allowing a month for the telecommunications company to prepare the tariff is reasonable. If the company needs additional time for any reason, the rule would permit an extension with commission approval.

Aside from the modifications proposed above, HAUW has no other comments or considerations for the Commission at this time.

Respectfully submitted,



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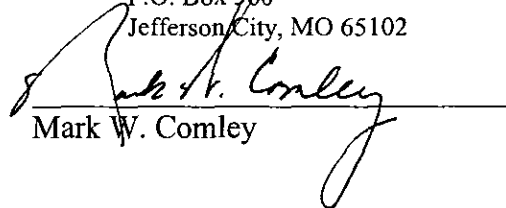
Attorneys for Heart of America United Way, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of May, 2004, a true and correct copy of the above and foregoing document was sent by U.S. Mail, postage prepaid, or hand-delivery, to:

Office of Public Counsel
P.O. Box 7800
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General Counsel's Office
P.O. Box 360
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Mark W. Comley