

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Revised Tariff Filing ) File No. TR-2013-\_\_\_\_\_  
of Windstream Missouri, Inc. ) Tariff No. JI-2013-0025

**THE OFFICE OF THE PUBLIC COUNSEL’S OBJECTION**  
**AND MOTION TO SUSPEND**

COMES NOW the Office of the Public Counsel (Public Counsel) and for its Objection and Motion to Suspend states as follows:

1. On July 10, 2012, Windstream Missouri, Inc. (Windstream or Company) filed revised tariff sheets (attached as Appendix A) with the Missouri Public Service Commission (Commission) for the purpose of establishing a new charge for business customers.
2. Company's proposed tariff revision seeks to add a \$2.99 per bill per month charge for business customers who choose to receive a paper bill instead of receiving a bill via the Company's electronic billing system. Company offers no evidence that the additional charge reflected in the proposed revised tariff is just and reasonable and in the public interest. Therefore, Public Counsel now submits its objection to Company's proposed tariff revision.
3. Section 392.200 of the Missouri Revised Statutes (RSMo), 2011, requires charges for telecommunications service to be just and reasonable, non-discriminatory and in the public interest.
4. Section 392.200.2 RSMo states that a telecommunications company may not receive greater or lesser compensation for any telecommunications service rendered through the use of a special charge. Billing is an inherent component of telecommunications service. Therefore, the compensation Company receives for telecommunications service should be the same no matter

what form billing takes. Charging \$2.99 per bill per month merely for sending a paper bill to certain customers within a class is discriminatory and not in the public interest.

5. Section 392.185(1) RSMo specifically states that a purpose of Chapter 392 is to promote universally available and widely affordable telecommunications services. The largest concentration of internet availability is in the more urban areas. But, the area of service for the Company is mainly rural. In addition to relatively lower subscribership, internet access tends to be less prevalent and less competitive in rural areas. It is contrary to the public interest to automatically impose additional charges on rural business customers who may be disproportionately impacted by the proposed charge.

6. While the exact mechanism for how the Company will determine which customers are to continue receiving a paper bill is not explained, Company's proposed tariff revision includes the following proposed language:

A business customer may request an exemption from the Paper Bill Charge for good cause shown, to be granted in Windstream's reasonable discretion.

However, Company provides no explanation of what constitutes "good cause shown" or how it defines "reasonable discretion" or even how an exemption can be requested by the customer. There is also no proposal for dispute of the Company's determination that the customer does not qualify for an exemption of this charge. The lack of details as to Company's proposal is not in the public interest.

7. Public Counsel therefore objects to Company's proposed tariff revision. The Commission should suspend the pending revised tariff in order to investigate whether the proposed charge is lawful and in the public interest. Section 392.230.5 RSMo provides that the Commission may suspend the tariffs at issue for a period of 150 days beyond their stated effective date. In order to allow for adequate time for the Commission to determine whether the

proposed charge is just and reasonable and in the public interest, the Commission should suspend the proposed revised tariffs for the maximum period.

WHEREFORE, Public Counsel respectfully submits its Objection and Motion to Suspend.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

**/s/ Christina L. Baker**

By: \_\_\_\_\_

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**CERTIFICATE OF SERVICE**

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 26<sup>th</sup> day of July 2012:

**Missouri Public Service Commission**

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200 Madison Street Suite 800  
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**Missouri Public Service Commission**

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**Windstream Missouri, Inc./PAETEC**

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/s/ Christina L. Baker

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VIA ELECTRONIC FILING

July 10, 2012

Mr. Dale Hardy Roberts  
Executive Secretary -- Chief Regulatory Law Judge  
Missouri Public Service Commission  
P.O. Box 360  
Governors Office Building  
200 Madison St.  
Jefferson City, MO 65101

RE: WINDSTREAM MISSOURI, INC. LOCAL EXCHANGE TARIFF

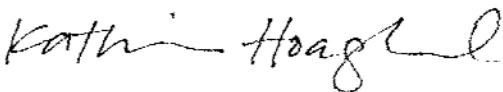
Dear Mr. Roberts:

This electronic filing consists of a PDF copy of revisions to Windstream Missouri, Inc.'s Local Exchange Tariff No. 2.

This revision seeks to add a charge for business customers who choose to receive a paper bill instead of receiving their monthly bill via Windstream's electronic billing system. Customers will be notified at least 30 days prior to the fees implementation.

If you have any questions, please feel free to contact me at (585) 340-2709 or by email at [Katherine.Hoagland@PAETEC.com](mailto:Katherine.Hoagland@PAETEC.com).

Sincerely,



Katherine Hoagland  
Tariff & Regulatory Analyst

Attachments

| <u>SUBJECT</u>                                   | <u>SECTION</u> | <u>SHEET</u> |   |
|--|----------------|--------------|---|
| Maintenance of Company Owned Facilities          | 4              | 4            |   |
| Maintenance of Customer Owned Equipment          | 4              | 4            |   |
| Mileage Charges                                  | 28             | 1            |   |
| Minimum Service Period                           | 8              | 1            |   |
| Multi-Element Non-Recurring Charges              | 27             | 1            |   |
| National Directory Assistance                    | 21             | 1            |   |
| Nuisance Call Investigation                      | 18             | 1            |   |
| Paper Bill Charge                                | 4              | 2            | N |
| Payment for Service                              | 4              | 2            |   |
| Plant Extensions                                 | 11             | 1            |   |
| Push Button Dialing Service                      | 29             | 1            |   |
| Rate Group Schedule                              | 25             | 1            |   |
| Refund or Credit of Customer Deposits            | 6              | 5            |   |
| Remote Call Forwarding                           | 30             | 17           |   |
| Rendering of Bills                               | 4              | 3            |   |
| Residence Service                                | 7              | 2            |   |
| Restoral of Service Charge                       | 4              | 3            |   |
| Returned Check Charge                            | 4              | 3.1          |   |
| Reverse Directory Assistance                     | 21             | 1            |   |
| Rights-of-Way                                    | 11             | 4            |   |
| Ring +   | 30             | 14           |   |
| School and Libraries Discount Program            | 17             | 1            |   |
| Service Charges - Connections, Moves and Changes | 27             | 1            |   |
| Service Interruptions                            | 2              | 1            |   |
| Service Promotions                               | 27             | 4            |   |
| Special Construction                             | 11             | 7            |   |
| Special Services and Facilities                  | 10             | 1            |   |

4. ESTABLISHMENT AND FURNISHING OF SERVICE (Continued)

4.2 Telephone Numbers (Continued)

Special Billing telephone numbers are provided upon request to telephone customers, provided such numbers are available. A recurring monthly charge of \$1.99 shall apply for each Special Billing Telephone Number. See Section 40 for Rates and Regulations.

If available, telephone numbers may be reserved for future use as requested by the customer. The telephone company reserves the right to change or use the reserved telephone number or central office designation, or both, whenever it deems it advisable in the conduct of its business to do so. Should it become necessary to change telephone numbers or central office designation, the customer will be given 30 days notice of this cancellation. A monthly charge applies for each reserved number.

|            |        |
|------------|--------|
| Residence: | \$1.99 |
| Business   | \$2.49 |

Depending upon the capabilities of the central office switching equipment, primary telephone numbers may be arranged to "rotary hunt" to a designated idle number in service for the same customer. It may be required that the designated "rotary hunting" number be in a consecutive sequence with the primary number.

4.3 Payment for Service

The subscriber is required to pay all charges for exchange services and facilities, and for toll messages in accordance with provisions contained elsewhere in this tariff. The subscriber is held responsible for all charges for telephone service rendered at his telephone, both exchange and toll, including charges for toll messages on which the charges have been reversed. Payment by personal check may be refused if the customer has rendered a dishonored check within the last twelve (12) months.

A. Bills

Regular monthly bills are due and payable upon presentation.

Residential customers generally are provided one copy of the regular monthly bill. Additional copies may be provided at a charge of \$1.95 per copy.

When a business customer chooses to continue to receive a monthly paper bill from Windstream, that business customer is subject to a monthly Paper Bill Charge. In lieu of this charge, the business customer may elect to receive his monthly bill via Windstream's electronic billing system. There is no recurring charge for choosing to receive electronic monthly bills or for changing from paper to electronic bills. A business customer may request an exemption from the Paper Bill Charge for good cause shown, to be granted in Windstream's reasonable discretion.

|                              |                           |
|------------------------------|---------------------------|
|                              | <u>Monthly<br/>Charge</u> |
| Paper Bill Charge - per bill | \$2.99                    |

The company shall itemize on the customer's bill any taxes and/or franchise fees. Upon request, the company shall furnish a detailed summary of these fees and taxes.