

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

In the Matter of a Proposed Rule)	
4 CSR 240-2.062, Required Notices for)	File No. AX-2011-0094
Telecommunications Companies and IVoIP)	
or Video Service Providers Tariffs)	

STAFF COMMENTS

COMES NOW the Staff of the Missouri Public Service Commission and respectfully submits the following Comments in this rulemaking matter.

1. The Staff believes that the name of the rule should be amended to reflect that certain filings are required of telecommunications companies and some are not required, but permitted.

2. Sections (1) and (2) should be amended to reflect the specific instructions for the telecommunications company's filing, so that the case is properly routed to the appropriate Staff members for review and processing.

3. All three sections should be amended to add the reminder that the company should update its contacts in EFIS, as the reorganization may cause those to change.

4. Section (2) should be amended to reflect that for certain reorganizations, no notice is required; new Section (3) clarifies when notice is required.

5. Section (3)(B) should be deleted, as that form cannot be used for name changes.

6. Section (4) should be deleted as it is confusing. Tariff submissions and notices are routinely made to the Commission by non-attorneys, but whether a given act constitutes the practice of law should not be specified in this rule.

Attached to these Comments is a marked version of the proposed rule showing the Staff's specific suggestions for changes.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Colleen M. Dale', with a stylized, cursive script.

Colleen M. Dale

Senior Counsel

Missouri Bar No. 31624

Attorney for the Staff of the

Missouri Public Service Commission

P. O. Box 360

Jefferson City, MO 65102

(573) 751-4255 (Telephone)

cully.dale@psc.mo.gov

**Title 4--DEPARTMENT OF
ECONOMIC DEVELOPMENT
Division 240--Public Service Commission
Chapter 2--Practice and Procedure**

PROPOSED RULE

4 CSR 240-2.062 Required **and Permitted** Notices for Telecommunications Companies and IVolP or Video Service Providers **that Reorganize or Change Names**

PURPOSE: This rule reflects the change in Section 392.420, RSMo, which provides that the Public Service Commission no longer has the authority to apply or enforce the provisions of Sections 392.270 through 392.340 in certain instances. Specifically, the Commission will no longer approve name changes or company reorganizations for telecommunications companies. The proposed rule replaces the application processes with notice requirements and specifies how video and IVolP service providers should notify the commission of name changes.

(1) A telecommunications company that changes its name shall ~~[submit a letter to]~~ **notify** the commission ~~[notifying it]~~ of ~~[the change of]~~ **its name change through the commission's Electronic Filing and Information System (EFIS), selecting "Name Change" as the type of case.** The notice shall include:

- (A) A statement, clearly setting out both the old name and the new name;
- (B) Evidence of registration of the name change with the Missouri secretary of state;
- (C) A copy of the notice sent to customers to inform them of the name change ~~[at or]~~ before **or with** the next ~~[billing cycle]~~ **bill** after any name change; and
- (D) An adoption notice and revised tariff title sheet reflecting the new name, to be effective ten days after the filing thereof. The adoption notice shall be substantially as follows: "The (name of telecommunications company) hereby adopts, ratifies, and makes its own, in every respect as if the same had been originally filed by it, all tariffs filed with the Public Service Commission, State of Missouri, by the (name of telecommunications company) prior to (date)."

(E) A statement that the company has reviewed its contacts in EFIS and that they have been updated to reflect the reorganization.

(2) **A telecommunications company that reorganizes in such a way that its name, certificate(s) and tariff(s) remain unchanged is under no obligation to notify the commission of the reorganization.** A telecommunications company that reorganizes through a merger, asset sale, etc., ~~[shall submit a letter to]~~ **may notify** the commission ~~[that describes]~~ **of the mechanics of the reorganization by filing a non-case-related submission in EFIS and indicating that the matter is a merger or reorganization.**~~[as well as the following]~~

(3) Notwithstanding section (2) above, notification is mandatory in the following instances:

- (A) If the company changes its name or adopts a fictitious name, **it shall provide** all of the information required in section (1) above;
- (B) ~~[A request to cancel any certificates or tariffs that will no longer be used (if applicable)]~~ **If the reorganized company will no longer need any certificates or tariffs, it shall request that the commission cancel them;** and

(C) **If notice is required under (A) or (B), it shall be accompanied by a [A]** statement that the company has reviewed its contacts in [~~the commission's Electronic Filing and Information System~~] EFIS [}] and that they have been updated to reflect the reorganization.

~~{(3)}~~ **(4)** A provider of video service or interconnected voice over internet protocol (IVoIP) service that changes its name shall notify the commission of that change. Notice may be made by one of the following methods:

(A) [~~Sending a letter to~~] **Notify** the commission as set forth in section (1) above; or

[~~(B) Submitting a Notice of Change Form~~]; or

~~{(C)}~~ **(B)** Submit [~~ting~~] a revised Application Form.

(C) If notice is made under (A) or (B), it shall be accompanied by a statement that the company has reviewed its contacts in EFIS and that they have been updated to reflect the reorganization.

~~{(4) Notwithstanding any other provision of Chapter 2 and Chapter 3 of these rules, items required by this rule may be submitted by a nonattorney.}~~