

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

In the Matter of the Tariff Filing by)	
Choctaw Telephone Company to Establish)	Case No. IT-2009-_____
a 15-day Due Date for Bills.)	Tariff File No. JI-2009-0655

MOTION TO SUSPEND

COMES NOW the Staff of the Missouri Public Service Commission and for its motion states:

1. Choctaw Telephone Company is an incumbent local exchange telecommunications company (ILEC). Choctaw is a small telephone company as defined by Section 392.230.4 RSMo Supp. 2008, because it serves fewer than twenty-five thousand access line in the state of Missouri.

2. On March 16, 2009, Choctaw submitted a revised tariff sheet designed to reduce the due date for a subscriber's bill from 21 days after the bill is rendered to 15 days after the bill is rendered. The revised tariff sheet bears a proposed effective date of April 16, 2009. The revised tariff sheet was submitted in Tariff File No. JI-2009-0655, which is attached hereto.

3. Commission rule 4 CSR 240-33.040(5) provides:

(5) If a telecommunications company does not expressly offer a preferred payment date plan, a customer shall have at least twenty-one (21) days from the rendition of a bill to pay the charges stated. If the charges remain unpaid for twenty-one (21) days from rendition of the bill such charges will be deemed delinquent.

4. Section 392.420 RSMo Supp. 2008 provides that where an alternative local exchange telecommunications company is authorized to provide local exchange telecommunications service in an incumbent local exchange telecommunications company's

authorized service area, the incumbent local exchange telecommunications company may opt into certain statutory and commission rule waivers, including a waiver of the Commission's billing standards rules.

5. In Case No. IE-2009-0157, Choctaw filed notification with the Commission that it elected to waive certain Commission rules and statutes, including 4 CSR 240-33.040(5).

6. A telecommunications company's instrumentalities, facilities, and charges shall be just and reasonable. Sections 392.200 RSMo Supp. 2008. A telecommunications company's regulations and practices shall be just and reasonable. Section 392.240.2 RSMo 2000. These statutes are not included in the list of statutes subject to waiver set forth in Section 392.240, and remain applicable to Choctaw.

7. Section 392.230.5 RSMo Supp. 2008 authorizes the Commission to suspend the operation of and to enter upon a hearing concerning the propriety of a regulation or practice proposed in a small telephone company's tariff filing.

8. In the Staff's opinion, Choctaw's proposal to reduce the due date for a subscriber's bill to 15 days after the bill is rendered is not just and reasonable.

9. Choctaw assesses a late payment charge of \$2.55. One result of reducing the due date for a subscriber's bill to 15 days after the bill is rendered is that a subscriber who currently and timely pays his/her bill on the 16th through 21st day and who continues to pay future bills on the 16th through 21st day will see his/her bill increased by the \$2.55 late payment charge.

10. In a series of decisions issued in 2000, the Commission held that tariff filings made by ILECs to institute late payment charges constituted single-issue ratemaking and

must be rejected unless presented in the context of a rate case. *In the Matter of the Chapter 33 Tariff Filing of Miller Telephone Company*, Case No. TT-2001-257, 9 MPSC 3d 406, *et seq.*

11. Choctaw is a rate-of-return regulated ILEC. Instituting a late payment charge for a subscriber who pays his/her bill between the 16th and 21st days is impermissible single-issue ratemaking and must be presented in the context of a rate case.

WHEREFORE, the Staff requests the Commission to suspend, and set for hearing, Choctaw's tariff submission in File No. JI-2009-0655.

Respectfully submitted,

/s/ William K. Haas

William K. Haas
Deputy General Counsel
Missouri Bar No. 28701

Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-7510 (Telephone)
(573) 751-9285 (Fax)
william.haas@psc.mo.gov

CERTIFICATE OF SERVICE

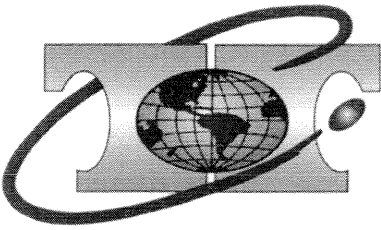
I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all parties listed below this 8th day of April, 2009.

Amanda Molina
505 Plaza Circle, Ste 200
Orange Park, FL 32073

Craig Johnson
1648A East Elm Street
Jefferson City, MO 65101

Lewis R. Mills, Jr.
Office of Public Counsel
P.O. Box 2230
200 Madison Street, Ste 650
Jefferson City, MO 65102

/s/ William K. Haas
William K. Haas



TOWNES TELECOMMUNICATIONS SERVICES CORPORATION

April 6, 2009

Colleen Dale
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

Dear Ms. Dale:

Re: Local Exchange Tariff – PSC MO No. 1
Choctaw Telephone Company

The accompanying tariff sheet issued by MoKan Dial, Inc. is sent to you for filing in the Company's Local Exchange Tariff PSC MO No. 2.

Sheet No.:

5th Revised Sheet No. 16

Cancels Sheet No.:

4th Revised Sheet No. 16

Pursuant to the authority granted by the Missouri Public Service Commission in Order No. IE-2009-0157, Choctaw Telephone Company is changing the payment due date to fifteen (15) days after the bill is rendered.

It is desired that the tariff page accompanying this filing become effective April 16, 2009.

If you should have any questions or require additional information, please call me at (904) 688-0031 or you may reach me by email at amolina@townes.net.

Sincerely,

Amanda Molina

Amanda Molina
Supervisor of Product Development & Pricing

Enclosure

Choctaw Telephone Company

GENERAL RULES AND REGULATIONS

C. DEPOSITS (Cont.)

10. The fact that a deposit has been made shall in no way relieve the applicant or customer from complying with the Company's regulations as to advance payments and payment for service, nor constitutes a waiver or modification of the regulations pertaining to the discontinuance of service for nonpayment of any charges due the Company for services rendered.

D. PAYMENT FOR SERVICES AND FACILITIES

1. The Telephone Company, after the initial bill for new service is rendered, will render a bill during each billing period except when the bill has a "00" balance.
2. The Telephone Company will render bills on a cyclical basis on or about the same day of each month.
3. All bills for local, toll or miscellaneous service are due and payable fifteen (15) + days after rendered.
- +4. [RESERVED FOR FUTURE USE]

* Indicates new rate or text
+ Indicates change

Issued: 03-16-09

Effective: 04-16-2009

Jane Prettyman
General Manager
112 South Broadway
Louisburg, KS 66053

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OF THE STATE OF MISSOURI

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Choctaw Telephone Company, Inc., to)
Establish a 15-day Due Date for Bills.)

Case No. IT-2009-_____
Tariff File No. JI-2009-0655

AFFIDAVIT

STATE OF MISSOURI)
) ss
COUNTY OF COLE)

Sara Buzak, employee of the Staff of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that the facts stated in the accompanying Motion to Suspend are true and correct to the best of his/her knowledge.

Sara Buzak

Subscribed and sworn to before me this 8th day of April 2009.

Carla K. Schnieders
Notary Public

My commission expires August 25, 2012

