

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

In the Matter of the Tariff Filing	)	
By Mo-Kan Dial Company, Inc. to	)	Case No. IT-2009-0368
Establish a 15-day due date for bills.	)	Tariff File No. JI-2009-0656

**SUGGESTIONS OF THE OFFICE OF THE PUBLIC COUNSEL**

The Office of the Public Counsel concurs with the Staff's motion to suspend the tariff and also believes that the waiver of the 15 day pay period prior to delinquency is contrary to the best interests of the customers and is inconsistent with the protection of the ratepayers and inconsistent with the public interest. Section 392.185 (6), RSMo 2000 and is an unreasonable restriction on the time available for the customer to pay its bill without delinquent charges and other adverse consequences.

Notwithstanding suggestions that House Bill 1779 has totally dissolved the PSC's supervisory jurisdiction over the telecommunication industry and despite any company's tariff provisions establishing a reduced time for payment, the Commission's rule 4 CSR 240-33-040(5), provides a 21-day due date for residential customers' bills. The Commission's rules continue to have supremacy over company tariffs and establish essential and basic consumer rights.

Even though House Bill 1779 reduced the Commission's oversight and regulation of telecommunications companies and their operations, Public Counsel respectfully suggests that under the express statement of legislative intent in Section 392.185, RSMo and the PSC's jurisdiction in Section 386.250 (2), (6) and (7), RSMo, the commission retains jurisdiction to act to prevent harm to the ratepayers and to counter a teleco's action that is inconsistent with or detrimental to the public interest.

**Jurisdiction of commission.** 386.250. The jurisdiction, supervision, powers and duties of the public service commission herein created and established shall extend under this chapter:

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(2) To all telecommunications facilities, telecommunications services and to all telecommunications companies so far as such telecommunications facilities are operated or utilized by a telecommunications company to offer or provide telecommunications service between one point and another within this state or so far as such telecommunications services are offered or provided by a telecommunications company between one point and another within this state, except that nothing contained in this section shall be construed as conferring jurisdiction upon the commission over the rates charged by a telephone cooperative for providing telecommunications service within an exchange or within a local calling scope as determined by the commission, except for exchange access service;

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(6) To the adoption of rules as are supported by evidence as to reasonableness and which prescribe the conditions of rendering public utility service, disconnecting or refusing to reconnect public utility service and billing for public utility service. All such proposed rules shall be filed with the secretary of state and published in the Missouri Register as provided in chapter 536, RSMo, and a hearing shall be held at which affected parties may present evidence as to the reasonableness of any proposed rule; and

(7) To such other and further extent, and to all such other and additional matters and things, and in such further respects as may herein appear, either expressly or impliedly.

It is elementary in the utility/customer relationship that the customer has an obligation to pay the charges for services when due and that the utility render an accurate bill to the customer giving the customer a reasonable period of time to receive, examine and pay the bill prior to delinquency with its attendant late charges, suspension or termination of service and other adverse consequences such as negative credit reports or requirements of a deposit or an increase in security for payment.

The company's waiver cannot be isolated; similar waiver requests by other telecommunication companies and perhaps by other utilities may be on the horizon. A reduction in the long standing time for bill payments is a significant change in public policy, a significant deviation in prior practice, and a significant reduction in benefits and rights of consumers. A full scale evidentiary hearing on the tariff may not be the best or most desirable option, but Public Counsel suggests that the PSC take a studied look not only at the proposed waiver, but also at the consequences of the waiver and whether or not a total revision by rule-making would be reasonable and appropriate, considering all relevant factors and impacts on customers.

Wherefore, Public Counsel concurs in Staff's motion to suspend so that the implications of change in the time for payment can be fully considered.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

**/s/ Michael F. Dandino**

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been emailed to the following counsel of record on this 14<sup>th</sup> day of April, 2009:

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