

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY**

January 7, 1998

CASE NO: TW-97-333

Office of the Public Counsel, P.O. Box 7800, Jefferson City, MO 65102

Enclosed find certified copy of ORDER in the above-numbered case(s).

Sincerely,



**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

Uncertified Copy:

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BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED

JAN 07 1998

MISSOURI
PUBLIC SERVICE COMMISSION

In the Matter of an Investigation into)
the Provision of Community Optional)
Calling Service in Missouri.)

Case No. TW-97-333

CONCURRING OPINION OF COMMISSIONER HAROLD CRUMPTON

I concur with the majority's decision in Case No. TO-97-333 to deny the Public Counsel's petition and the Staff's request for an extension of time. Those filings were made out of time and under the circumstances should not be considered. However, I believe, in the public interest, we should, by our own initiative, use our authority to stay the March 31, 1998 implementation date of our Report and Order.

The March 31, 1998 implementation date of our Report and Order should be stayed because the promised competitive offerings have not materialized as of this date. The public should have been more involved in this docket and it was not. The public needs time to understand and evaluate the alternatives. The companies need time to prepare for the public's choices. By staying the March 31, 1998 implementation date of the Report and Order, we can give the parties to this case a reasonable, but not unlimited, amount of additional time and let the public who will be affected by the ending of Community Optional Calling Services (COS) participate and prepare for that day. There is no harm and only gain by allowing the public to

have its voice unless the local exchange telecommunications companies use the stay to delay the development and offering of alternatives to COS.

We have the authority to do it. We are empowered to stay the order under Sections 386.040 and 386.250 so that we can "... carry out fully and effectually..." our purposes in the furtherance of the purpose of the Public Service Commission Law. One of our purposes is to supervise the provision of intrastate telecommunications services.

I do not believe that we should move forward with the elimination of COS as a telecommunications service without hearing what the public and others have to say at this point about the March 31, 1998 implementation date.

I would like to see this Commission broaden the opportunities for public involvement in product offerings. It is in the public interest that the public be educated about such topics as Out-State Calling Area plans, Metropolitan Calling Area plans, and mandatory Extended Area Service plans. The public should be not only educated but allowed to reasonably participate in the design of the alternatives that will be the replacements for COS.

It is **our** responsibility to ensure that the public has the time to become knowledgeable and as comfortable as possible with the choices their telecommunications companies will be offering them. It is not enough that there are different products offered to the public. The mere existence of different products does not necessarily mean a real choice is available. The public interest is best

served and our duties as Commissioners most effectively discharged when those choices have meaning. Meaningful choice requires that the public be aware of service options, have timely access to information as to what those options mean for their individual households, and have an opportunity to make their views known respecting the service options they are offered.

I believe we should stay the March 31, 1998 implementation date of the Report and Order, upon our own motion, to give the public such an opportunity before the current implementation date occurs.

Respectfully,


Harold Crumpton, Commissioner

Dated at Jefferson City, Missouri,
on this 8th day of January, 1998.

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

**I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.**

**WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 7th day of January, 1998.**



Dale Hardy Roberts

**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**