

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

In the Matter of a Proposed Rulemaking to)
Establish 4 CSR 240-33.170, Relay)
Missouri Surcharge Billing and)
Collections Standards)

Case No. TX-2008-_____

MOTION FOR FINAL ORDER OF RULEMAKING

COMES NOW the Staff of the Missouri Public Service Commission (“Commission”), by and through its Office of General Counsel, pursuant to § 536.016 RSMo. 2000, and for its *Motion for Final Order of Rulemaking* states as follows:

1. Section 536.016 RSMo provides that a state agency shall propose rules based upon “substantial evidence upon the record and a finding by the agency that the rule is necessary to carry out the purposes of the statute that granted such rulemaking authority.”

2. Pursuant to statutory authority¹ and public interest requirements, Staff recommends the Commission establish Relay Missouri Surcharge Billing and Collection Standards under a new rule section designation at 4 CSR 240-33.170.

3. This draft rule will establish uniform standards for telecommunications companies to bill, collect and remit the Relay Missouri Surcharge and include standards for interconnected voice over Internet protocol service providers in response to the passage of HB 1779 by the 94th General Assembly. The purpose of this surcharge is to generate funding for a statewide dual-party relay system and a statewide telecommunications distribution program as already prescribed by Sections 209.251 through 209.259 RSMo.

¹ Section 386.410 RSMo 2000 grants the Commission authority to promulgate rules; in addition to its general authority under § 386.250(2) to supervise telecommunications companies; and specifically Chapter 209, which sets out the specific supervision that the Commission will maintain of the “deaf relay service and equipment distribution fund surcharge.” Section 209.259

4. Attached as Exhibit A is the Staff's notarized affidavit concerning the necessity for this rulemaking.

WHEREFORE, the Staff respectfully requests that the Commission issue a Final Order of Rulemaking to establish 4 CSR 240-33.170, Relay Missouri Surcharge Billing and Collections Standards.

Respectfully submitted,

/s/ Shelley Syler Brueggemann
Shelley Syler Brueggemann
Senior Counsel
Missouri Bar No. 52173

Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 526-7393 (Telephone)
(573) 751-9285 (Fax)
shelley.syler@psc.mo.gov (e-mail)

Certificate of Service

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to the Office of the Public Counsel, P.O. Box 2200, Jefferson City, MO 65102 this 11th day of June 2008.

/s/ Shelley Syler Brueggemann

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

AFFIDAVIT OF John Van Eschen

STATE OF MISSOURI)

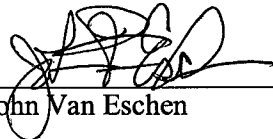
COUNTY OF COLE)

ss:

John Van Eschen, employee of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that he has participated in the preparation of this affidavit and the accompanying proposed rulemaking and states that the facts therein are true and correct to the best of his knowledge and belief.

No standards currently exist for billing and collecting the Relay Missouri surcharge and remitting such revenues to the Commission. A recent Commission Staff survey of carrier Relay Missouri surcharge billing and collection practices reveals inconsistencies and issues among carriers. The lack of standards has caused some problems; most notably ensuring revenues are submitted to the Commission in a timely manner. For example the Commission Staff in Case Nos. TO-2008-0124, TC-2008-0022 and TC-2007-0494 filed formal complaints against companies failing to submit Relay Missouri revenues in a timely manner. Other problems reveal carriers may differ on identifying the surcharge on bills, applying taxes to the surcharge, applying the surcharge to various types of lines, limiting the surcharge to a customer with 100 or more lines per location, and submitting relay revenues on behalf of other companies.

The draft rule establishes uniform standards for telecommunications companies to bill, collect and remit the Relay Missouri surcharge and includes standards for interconnected voice over Internet protocol service providers in response to the passage of House Bill 1779 by the 94th General Assembly.


John Van Eschen

Subscribed and affirmed before me this 10th day of June 2008
I am commissioned as a notary public within the County of Callaway,
State of Missouri and my commission expires on 9-21-10



SUSAN L. SUNDERMEYER
My Commission Expires
September 21, 2010
Callaway County
Commission #06942086


NOTARY PUBLIC