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STATE OF MISSOURI
PUBLIC SERVICE COMMISSION

At a session of the Public Service Commission held at its office in Jefferson City on the 6th day of January, 1999.

In the Matter of VoCall Communications Corporation's Tariff to Add Surcharges for Public Pay Telephones, to Add Surcharges and Fees for Prepaid Calling Cards, to Make Textual Changes, and to Add Language Pertaining to Regulatory Assessments and Miscellaneous Charges.)
)
) Case No. TT-99-41
) (Tariff File 9900006)
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)
)

ORDER APPROVING STIPULATION AND AGREEMENT

On July 2, 1998, VoCall Communications Corporation (VoCall), a competitive telecommunications company, submitted a tariff filing to add a section on regulatory assessments and miscellaneous charges, to add a public pay telephone surcharge, to add a USA Prepaid Calling Card connection surcharge and monthly service fee, and to make certain text changes. The effective date of the tariff was listed as August 10, 1998.

Substitute tariff sheets were submitted on July 15, July 20, and July 22, 1998. On July 30, the Staff, through its counsel, filed a Motion to Suspend Tariff. The motion indicated that Staff was concerned that consumers would not receive proper notification of certain surcharges before purchasing the prepaid calling card. On August 5, 1998, the Commission suspended the tariff until December 8, 1998, or until otherwise ordered by the Commission. Revised tariff sheets were filed on August 6 and November 2. On October 20, 1998, the Commission further suspended the tariff sheets until June 8, 1999.

On October 29, the Staff, through its counsel, filed a Motion to Cancel Procedural Schedule and Establish Stipulation Deadline. The motion indicates that VoCall has satisfied the Staff's concerns regarding its tariff. The parties indicated that they believe that a stipulation could be filed by November 25, 1998, along with a Staff recommendation regarding VoCall's tariff. The motion requests that the Commission cancel the procedural schedule and notes that all parties agree to this request.

The Staff filed a memorandum on November 17, recommending that the Commission approve the tariff filing. The memorandum indicates that VoCall has made changes to its tariff filing and that these changes satisfactorily address the Staff's concerns. The memorandum notes that the Staff recommends approval of the following tariff sheets:

P.S.C. MO. No. 1

- 1st Revised Sheet No. 2, Cancels Original Sheet Page No. 2
- 1st Revised Sheet No. 3, Cancels Original Sheet Page No. 3
- 1st Revised Sheet No. 19, Cancels Original Sheet Page No. 19
- Original Sheet No. 19.1
- 1st Revised Sheet No. 20, Cancels Original Sheet Page No. 20
- 1st Revised Sheet No. 21, Cancels Original Sheet Page No. 21
- Original Sheet No. 21.1
- 1st Revised Sheet No. 26, Cancels Original Sheet Page No. 26
- 1st Revised Sheet No. 27, Cancels Original Sheet Page No. 27
- 1st Revised Sheet No. 28, Cancels Original Sheet Page No. 28

The Staff filed a Stipulation and Agreement on November 25, 1998. The agreement indicates that although the Office of Public Counsel is not a signatory to the agreement, it has reviewed the agreement and does not oppose its contents.

On December 8, 1998, the Staff filed Suggestions in Support of the Stipulation and Agreement, recommending that the Commission approve

the Stipulation and Agreement and permit VoCall's proposed tariff to become effective concurrent with the effective date of the Commission's final order in this matter. Staff indicated that VoCall has satisfied the Staff's concerns regarding its tariff.

The Commission has reviewed the tariff sheets, the staff memorandum in support of the tariff filing, the Stipulation and Agreement, the Suggestions in Support of the Stipulation and Agreement, along with the Motion to Cancel Procedural Schedule. The Commission finds that the Stipulation and Agreement should be approved.

IT IS THEREFORE ORDERED:

1. That the Stipulation and Agreement, marked as Attachment A to this Order and incorporated herein, is approved.

2. That in accordance with the Stipulation and Agreement, the following tariff sheets (tariff file 9900006), filed by VoCall Communications Corporation on July 2, 1998, and revised on July 15, July 20, July 22, 1998, August 6, and November 2, are approved for service on and after the effective date of this Order. The tariff sheets (tariff file 9900006) approved are:

P.S.C. MO. No. 1

1st Revised Sheet No. 2, Cancels Original Sheet Page No. 2
1st Revised Sheet No. 3, Cancels Original Sheet Page No. 3
1st Revised Sheet No. 19, Cancels Original Sheet Page No. 19
Original Sheet No. 19.1
1st Revised Sheet No. 20, Cancels Original Sheet Page No. 20
1st Revised Sheet No. 21, Cancels Original Sheet Page No. 21
Original Sheet No. 21.1
1st Revised Sheet No. 26, Cancels Original Sheet Page No. 26
1st Revised Sheet No. 27, Cancels Original Sheet Page No. 27
1st Revised Sheet No. 28, Cancels Original Sheet Page No. 28

2. That the Motion to Cancel Procedural Schedule and Establish Stipulation Deadline, filed October 29, 1998, is now moot.

3. That this order shall become effective on January 6, 1999.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Drainer and Murray,
CC., concur.
Crumpton and Schemenauer, CC.,
absent.

Ruth, Regulatory Law Judge

BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

FILED

NOV 25 1998

The Staff of the Missouri Public Service
Commission,)
)
)
Complainant,)
)
vs.)
)
VoCall Communications Corporation,)
)
Respondent.)

Missouri Public
Service Commission

Case No. TT-99-41

STIPULATION AND AGREEMENT

The Staff of the Missouri Public Service Commission ("Staff") and VoCall Communications Corporation ("VoCall") have reached the following Stipulation and Agreement to resolve the issues in this case:

1. The Company submitted revised tariff sheets on August 6 and November 2 that removed the USA Prepaid Calling Card Connection Surcharge of \$0.25, which was duplicated in the original tariff filing.
2. The substitute sheets also lowered the prepaid calling card rate to \$0.14 per minute from \$0.19 per minute. The Company will not attempt to impose the duplicate surcharges, discussed in paragraph 1 of this Stipulation, in addition to the per minute rate.
3. VoCall has changed its point of sale materials. The materials are now consistent with the tariffed charges, indicate that the various surcharges are in addition to the advertised per minute rate and state that the surcharges and fees have the effect of reducing total minutes on the

card. The parties agree that adequate customer notice has been provided to the consumers. The Staff will discuss and include in its Suggestions in Support of the Stipulation and Agreement the point of sale materials that the parties agree provide customers with appropriate notice. The Company agrees that VoCall will not attempt to impose surcharges without adequate customer notification in the future.

4. The parties agree that the Company has adequately addressed the Staff's concerns and recommend that the Commission allow VoCall's tariff to become effective on the effective date of the Commission's Order resolving this matter, as opposed to the longer tariff suspension period of June 8, 1999.

5. This Stipulation and Agreement has resulted from extensive negotiations among the signatory parties and the terms hereof are interdependent. In the event the Commission does not adopt this Stipulation and Agreement in total, then this Stipulation and Agreement shall be void and no signatory shall be bound by any of the agreements or provisions hereof. The stipulations herein are specific to the resolution of this proceeding and are made without prejudice to the rights of the signatories to take other positions in any other proceeding on any matter.

6. In the event the Commission accepts the specific terms of this Stipulation and Agreement, the parties and participants waive, with respect to the issues resolved herein, their respective rights, pursuant to §536.080.1, RSMo. (1994), to present testimony, cross-examine witnesses, and present oral argument or written briefs; their respective rights to the reading of the transcript by the Commission pursuant to Section 536.080.2, RSMo. (1994); and their respective rights to seek rehearing pursuant to Section 386.500, RSMo. (1994); and to seek judicial review pursuant to Section 386.510, RSMo. (1994). The parties agree to cooperate with the Applicant

and with each other in presenting this Stipulation and Agreement for approval to the Commission and shall take no action, direct or indirect, in opposition to the request for approval of the Applicant's application made herein.

7. The Staff has submitted a Staff Recommendation concerning matters not addressed in this Stipulation. In addition, if requested by the Commission, the Staff shall have the right to submit to the Commission a memorandum explaining its rationale for entering into this Stipulation and Agreement. Each party of record and participant herein shall be served with a copy of any such memorandum and shall be entitled to submit to the Commission, within five (5) days of receipt of Staff's memorandum, a responsive memorandum which shall also be served on all parties and participants. All memoranda submitted by the parties shall be considered privileged in the same manner as settlement discussions under the Commission's rules, shall be maintained on a confidential basis by all parties and participants, and shall not become a part of the record of this proceeding or bind or prejudice the party submitting such memorandum in any future proceeding or in this proceeding whether or not the Commission approves this Stipulation and Agreement. The contents of any memorandum provided by any party are its own and are not acquiesced in or otherwise adopted by the other signatories to the Stipulation and Agreement whether or not the Commission approves and adopts this Stipulation and Agreement. The Staff shall also have the right to provide, at any agenda meeting at which this Stipulation and Agreement is noticed to be considered by the Commission, whatever oral explanation the Commission requests, provided that the Staff shall, to the extent reasonably practicable, provide the other parties and participants with advance notice of when the Staff shall respond to the Commission's request for such explanation once such explanation is requested from the Staff. The Staff's oral explanation shall be subject to public disclosure, except to the extent it refers to

matters that are privileged or protected from disclosure pursuant to any Protective Order issued in this case.

8. Although not a signatory to this agreement, the Office of Public Counsel has reviewed the Stipulation and Agreement and does not oppose its contents.

WHEREFORE, the undersigned parties respectfully request that the Commission issue its Order approving all of the specific terms and conditions of this Stipulation and Agreement and order that the tariff suspension period terminate on the effective date of the Commission's order resolving this matter.

Respectfully submitted,

DANA K. JOYCE
General Counsel

James M. Fischer by SD

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or hand-delivered to all counsel of record as shown on the attached service list this 25th day of November, 1998.

RECEIVED
JAN 07 1999
COMMISSION COUNSEL - 4
PUBLIC SERVICE COMMISSION

Carol Keith by SD