

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

An Investigation into Call Routing and)	
Call Completion Problems in the)	<u>File No. TW-2012-0112</u>
State of Missouri.)	

In the Matter of an Investigation to Examine)	
Call Routing and Call Completion Problems in the)	<u>File No. TO-2012-0104</u>
State of Missouri.)	

In the Matter of an Investigation to Examine)	
Call Routing and Call Completion Problems in the)	<u>File No. IO-2012-0106</u>
State of Missouri.)	

STAFF REQUEST FOR COMMENT

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

1. In the most recent general assembly, a bill containing the following provisions was passed. Although the Governor has not yet signed it, the Staff seeks the opinions of the participants in this matter as to whether this language in any way impedes the continuation and eventual resolution of this matter:

392.611. 1. A telecommunications company certified under this chapter or holding a state charter authorizing it to engage in the telephone business shall not be subject to any statute in chapter 386 or this chapter (nor any rule promulgated or order issued under such chapters) that imposes duties, obligations, conditions, or regulations on retail telecommunications services provided to end user customers, except to the extent it elects to remain subject to certain statutes, rules, or orders by notification to the commission. Telecommunications companies shall remain subject to general, nontelecommunications-specific statutory provisions other than those in chapters 386 and this chapter to the extent applicable. Telecommunications companies shall:

(1) Collect from their end users the universal service fund surcharge in the same competitively neutral manner as other telecommunications companies and interconnected voice over internet protocol service providers, remit such collected surcharge to the universal service fund administrator, and receive, as appropriate, funds disbursed from the universal service fund, which may be used to support the provision of local voice service;

(2) Report to the commission such intrastate telecommunications service revenues as are necessary to calculate the commission assessment,

universal service fund surcharge, and telecommunications programs under section 209.255; and

(3) Continue to comply with the provisions of section 392.415 pertaining to the provision of location information in emergency situations.

2. Broadband and other Internet protocol-enabled services shall not be subject to regulation under chapter 386 or this chapter, except that interconnected voice over Internet protocol service shall continue to be subject to section 392.550. Nothing in this subsection extends, modifies, or restricts the provisions of subsection 3 of section 392.611. As used in this subsection, "other internet protocol-enabled services" means any services, capabilities, functionalities, or applications using existing internet protocol, or any successor internet protocol, that enable an end user to send or receive a communication in existing internet protocol format, or any successor internet protocol format, regardless of whether the communication is voice, data, or video.

3. Notwithstanding any other provision of this section, a telecommunications company shall not be exempt from any commission rule established under authority delegated to the state commission under federal statute, rule, or order, including but not limited to universal service funds, number pooling, and conservation efforts. Notwithstanding any other provision of this section, nothing in this section extends, modifies, or restricts any authority delegated to the state commission under federal statute, rule, or order to require, facilitate, or enforce any interconnection obligation or other intercarrier issue including, but not limited to, intercarrier compensation, network configuration or other such matters. Notwithstanding any other provision of this section, nothing in this section extends, modifies, or restricts any authority the commission may have arising under state law relating to interconnection obligations or other intercarrier issue including, but not limited to, intercarrier compensation, network configuration, or other such matters.

4. After August 28, 2013, telecommunications companies seeking to provide telecommunications service may, in lieu of the process and requirements for certification set out in other sections, elect to obtain certification by following the same registration process set out in subsection 3 of section 392.550, substituting telecommunications service for interconnected voice over internet protocol service in the requirements specified in subdivisions (1) to (8) of subsection 3 of section 392.550.

2. Specifically, the Staff asks whether the above-quoted provision, if it becomes law, alters in any way the participants' previously stated opinions as to the Commission's authority in this matter.

3. The Staff requests that the Commission issue an Order requiring those participants in this matter to file a response in this docket as to whether this language would affect their opinion or not. If it would alter the opinion, the participant should explain the new opinion fully.

WHEREFORE, the Staff submits its Request for Commission Order.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 31st day of May, 2013.

