

MEMORANDUM

To: Missouri Public Service Commission Official Case File
Tariff File No. JX-2011-0512

From: William Voight
Supervisor, Rates and Tariffs
Telecommunications Department

Subject: Staff's Recommendation to Suspend Time Warner's
P.S.C. Mo. No 12 Replacement Tariff

Date: May 2, 2011

On April 6, 2011, TW Telecom of Kansas City LLC. (Time Warner) filed its Missouri P.S.C. Tariff Number 12 purporting to replace its Missouri Tariff Number 10. Time Warner's new Tariff Number 12 proposes to implement the company's access services, and is scheduled to go into effect by operation of law on May 6th.

Time Warner has stated that its proposal is being made to implement changes to conform its tariff to the company's "nationwide access template." Time Warner has characterized its proposal as "ministerial in nature."

Time Warner is a basic local exchange telecommunications company. The terms and conditions of its access services are governed generally by the conditions of its certificate of operating authority and more specifically, Sections 392.220.1 – which requires its switched access rates to be tariffed - and Section 392.361.6 – which requires a "cap" on switched access rates.

The Telecommunications Department Staff (Staff) has examined Time Warner's tariff proposal and is unable to determine whether the proposal conforms to the relevant statutes. In particular, Section 5.1 of the proposal changes the terms of Time Warner's existing Individual Case Basis pricing to include switched as well as special access. Staff finds Time Warner has changed terms and conditions of its existing tariff in a manner that is unacceptable to the Staff.

On April 22nd, Staff sent correspondence to Time Warner expressing Staff concerns; however, Time Warner has not responded. For these reasons, the Staff recommends Time Warner's proposal be suspended for 60 days for further consideration.

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

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Case No. Tariff File No.
 JX-2011-0512

AFFIDAVIT OF William Voight

STATE OF MISSOURI)
) ss:
COUNTY OF COLE)

William Voight, employee of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that he/she has participated in preparing the accompanying Staff recommendation, and that the facts therein are true and correct to the best of his knowledge and belief.

WILLIAM VOIGHT

Bill Voight

Subscribed and affirmed before me this 2nd day of May, 2011.

Carla K. Schnieders
NOTARY PUBLIC

CARLA K. SCHNIEDERS
Notary Public - Notary Seal
State of Missouri
Commissioned for Cole County
My Commission Expires: August 25, 2012
Commission Number: 08533187