

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

In the Matter of the Revised Tariff Filing) File No. TR-2013-_____
of Windstream Iowa Communications, Inc.) Tariff No. JI-2013-0024

THE OFFICE OF THE PUBLIC COUNSEL’S OBJECTION
AND MOTION TO SUSPEND

COMES NOW the Office of the Public Counsel (Public Counsel) and for its Objection and Motion to Suspend states as follows:

1. On July 10, 2012, Windstream Iowa Communications, Inc. (Windstream or Company) filed a revised tariff sheet (attached as Appendix A) with the Missouri Public Service Commission (Commission) for the purpose of establishing a new charge for business customers.

2. Company's proposed tariff revision seeks to add a \$2.99 per bill per month charge for business customers who choose to receive a paper bill instead of receiving a bill via the Company's electronic billing system. Company offers no evidence that the additional charge reflected in the proposed revised tariff is just and reasonable and in the public interest. Therefore, Public Counsel now submits its objection to Company's proposed tariff revision.

3. Section 392.200 of the Missouri Revised Statutes (RSMo), 2011, requires charges for telecommunications service to be just and reasonable, non-discriminatory and in the public interest.

4. Section 392.200.2 RSMo states that a telecommunications company may not receive greater or lesser compensation for any telecommunications service rendered through the use of a special charge. Billing is an inherent component of telecommunications service. Therefore, the compensation Company receives for telecommunications service should be the same no matter

what form billing takes. Charging \$2.99 per bill per month merely for sending a paper bill to certain customers within a class is discriminatory and not in the public interest.

5. Section 392.185(1) RSMo specifically states that a purpose of Chapter 392 is to promote universally available and widely affordable telecommunications services. The largest concentration of internet availability is in the more urban areas. But, the area of service for the Company is mainly rural. In addition to relatively lower subscribership, internet access tends to be less prevalent and less competitive in rural areas. It is contrary to the public interest to automatically impose additional charges on rural business customers who may be disproportionately impacted by the proposed charge.

6. While the exact mechanism for how the Company will determine which customers are to continue receiving a paper bill is not explained, Company's proposed tariff revision includes the following proposed language:

A business customer may request an exemption from the Paper Bill Charge for good cause shown, to be granted in Windstream's reasonable discretion.

However, Company provides no explanation of what constitutes "good cause shown" or how it defines "reasonable discretion" or even how an exemption can be requested by the customer. There is also no proposal for dispute of the Company's determination that the customer does not qualify for an exemption of this charge. The lack of details as to Company's proposal is not in the public interest.

7. Public Counsel therefore objects to Company's proposed tariff revision. The Commission should suspend the pending revised tariff in order to investigate whether the proposed charge is lawful and in the public interest. Section 392.230.5 RSMo provides that the Commission may suspend the tariffs at issue for a period of 150 days beyond their stated effective date. In order to allow for adequate time for the Commission to determine whether the

proposed charge is just and reasonable and in the public interest, the Commission should suspend the proposed revised tariff for the maximum period.

WHEREFORE, Public Counsel respectfully submits its Objection and Motion to Suspend.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

/s/ Christina L. Baker

By: _____

Christina L. Baker (#58303)

Senior Public Counsel

P O Box 2230

Jefferson City, MO 65102

(573) 751-5565

(573) 751-5562 FAX

christina.baker@ded.mo.gov

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, emailed or hand-delivered to the following this 26th day of July 2012:

Missouri Public Service Commission

Office General Counsel
200 Madison Street Suite 800
PO Box 360
Jefferson City MO 65102
GenCounsel@psc.mo.gov

Missouri Public Service Commission

Cully Dale
200 Madison Street Suite 800
PO Box 360
Jefferson City MO 65102
Cully.Dale@psc.mo.gov

Windstream Missouri, Inc./PAETEC

Katherine Hoagland
600 Willowbrook Office Park
Fairport NY 14450
Katherine.Hoagland@PAETEC.com

/s/ **Christina L. Baker**



VIA ELECTRONIC FILING

July 10, 2012

Mr. Dale Hardy Roberts
Executive Secretary -- Chief Regulatory Law Judge
Missouri Public Service Commission
P.O. Box 360
Governors Office Building
200 Madison St.
Jefferson City, MO 65101

RE: WINDSTREAM IOWA COMMUNICATIONS, INC. GENERAL & LOCAL EXCHANGE TARIFF

Dear Mr. Roberts:

This electronic filing consists of a PDF copy of revisions to Windstream Iowa Communications, Inc. General & Local Exchange Tariff No. 1.

This revision seeks to add a charge for business customers who choose to receive a paper bill instead of receiving their monthly bill via Windstream's electronic billing system. Customers will be notified at least 30 days prior to the fees implementation.

If you have any questions, please feel free to contact me at (585) 340-2709 or by email at Katherine.Hoagland@PAETEC.com.

Sincerely,

A handwritten signature in black ink that reads "Katherine Hoagland".

Katherine Hoagland
Tariff & Regulatory Analyst

Attachments

GENERAL AND LOCAL EXCHANGE TARIFF

H. BILLING AND PAYMENT FOR SERVICES AND FACILITIES**1. Bills**

- a. Regular customer bills are issued monthly. They contain the dates included in the billing period, dates for service charges associated with work performed, and the last date for timely payment. Bills will be issued on a monthly basis showing the amount of the net charge, stated by category, for local transmission service and ancillary services and equipment. Bills will be issued with all services and equipment itemized for single line customers. Single-line customers will also receive this detail itemization as changes appear in billing due to service order activity.
- b. Toll service, sales tax and excise tax, together with the gross amount of the bill, with separate entries for total amounts current or in arrears will be included on each bill. Reasonable requests for bill detail will be furnished.
- c. When a business customer chooses to continue to receive a monthly paper bill from Windstream, that business customer is subject to a monthly Paper Bill Charge. In lieu of this charge, the business customer may elect to receive his monthly bill via Windstream's electronic billing system. There is no recurring charge for choosing to receive electronic monthly bills or for changing from paper to electronic bills. A business customer may request an exemption from the Paper Bill Charge for good cause shown, to be granted in Windstream's reasonable discretion.

Monthly
Charge

Paper Bill Charge - per bill	\$2.99
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N

2. Payment

- a. An applicant for network access, who under the "Establishment and Maintenance of Credit" portion of this Tariff section, is required to make a deposit to guarantee payment of bills, may be required to pay the service charges and deposit prior to access. An applicant not required to make a deposit shall not be billed a service charge earlier than the first regular monthly bill.
- b. The customer shall pay for services and facilities monthly in advance except Departments, Administrations, and Agencies of the Federal, State, County, Township, or Municipal Governments and shall pay for toll messages and service charges when billed. Failure to receive a bill does not relieve the customer of the responsibility for payment in accordance with the provisions set forth herein.
- c. Customer payments are considered prompt when received at the Telephone Company or its agent by the pay by date on the bill. The pay by date is 21 days after the bill is rendered. Residential customers may request a last date for timely payment later than the pay by date. Such requests must be made in writing and may be granted for good cause.

Issued: July 10, 2012

Effective: August 9, 2012

Senior Manager – Governmental Affairs
4001 Rodney Parham Road
Little Rock, AR 72212

Appendix A
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