

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

In the Matter of an Investigation Into)	
Various Issues Related to the Missouri)	<u>File No. TO-2012-</u>
Universal Service Fund.)	

MOTION FOR COMMISSION ORDER DECREASING ASSESSMENT,
MOTION FOR EXPEDITED TREATMENT AND
MOTION FOR WAIVER

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”), on behalf of the Missouri Universal Service Board (“MoUSB”), and for its *Motion for Commission Order Regarding Assessment and Motion for Expedited Treatment and Motion for Waiver* states:

MOTION FOR COMMISSION ORDER DECREASING ASSESSMENT

1. Staff requests a Commission order approving a modification to the Missouri Universal Service Fund (“MoUSF”) assessment rate, decreasing the rate from .0029 to .0025. The assessment rate was last adjusted in 2007.

2. Section 392.248 RSMo 2000 establishes the MoUSF "to ensure just, reasonable and affordable rates for reasonably comparable essential local telecommunications services throughout the state."

3. Commission Rule 4 CSR 240-31.060(7) provides that the Fund Administrator will recommend to the board, or the board on its own actions may implement changes in assessment levels as is appropriate to adjust the fund’s receipts to meet its funding obligations.

4. Section 392.248.3 RSMo 2000 states that the Commission shall establish the level of universal fund funding requirement necessary to fund the purposes set forth in the statute. Therefore, the Commission has jurisdiction over this matter.

5. In Case No. TO-98-329, the Missouri Commission approved the establishment of the MoUSF effective March 31, 2002. In the same case, the assessment rate was later increased

from .0018 to .0029, effective May 1, 2007. The .0029 assessment rate has remained in effect since this decision.

6. In its October 2011 report, the MoUSF Administrator recommended the MoUSB consider taking steps towards decreasing the assessment rate from .29% to .25% over the next 6 to 9 months.

7. On January 25, 2012, the MoUSB met and voted to reduce the assessment from .0029 to .0025. The MoUSB recommends the new assessment have an effective date of April 1, 2012. In order to meet this date, the Staff requests the Commission issue an Order approving the new rates on February 1, 2012, with a ten day effective date.

MOTION FOR EXPEDITED TREATMENT

8. 4 CSR 240-2.080(13) allows parties ten (10) days from the date of filing in which to respond to any pleading unless otherwise ordered by the commission.

9. Staff requests expedited treatment under 4 CSR 240-2.080(14). Staff requests that the Commission act as quickly as possible on its Motion, due to the continued growth of the MoUSF, and the amount of time necessary for the affected carriers to program their billing systems. There will be no negative effect on customers or the general public if the Commission acts at its earliest convenience. As part of its request for expedited treatment, Staff requests that the Commission shorten the response time to this pleading, with responses to be submitted by 5 p.m. on Tuesday, January 31, 2012. Further Staff requests the Commission direct the Data Center to send notice to all interexchange carriers, competitive local exchange carriers, and incumbent local exchange carriers advising them that this Motion has been filed.

MOTION FOR WAIVER

7. Further, Staff requests a waiver of 4 CSR 240.080(15) which would relieve the MoUSB of serving this pleading on all parties, as there are no parties to this matter and the Commission has the ability to electronically notify all telecommunication carriers.

WHEREFORE, the Staff respectfully requests that the Commission issue an Order on January 25, 2012 that relieves the MoUSB from serving this pleading on all parties and establishes a six-day intervention period, and issues an Order on February 1, 2012, that approves a decrease to the current MoUSF assessment percentage from .0029 to .0025, to be implemented by telecommunications companies on April 1, 2012.

Respectfully submitted,

/s/ Meghan E. McClowry

Meghan E. McClowry
Legal Counsel
Missouri Bar No. 63070



Colleen M. Dale
Senior Counsel
Missouri Bar No. 31624

Attorneys for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-6651 (Telephone)
(573) 751-9285 (Fax)
Meghan.mcclowry@psc.mo.gov

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 25th day of January, 2012.

/s/ Meghan E. McClowry