

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

In the Matter of the Request for Approval of)	
Rates and the Name Change of)	<u>File No. XR-2018-0295</u>
TeleQuality Communications, Inc. to)	Tariff No. YX-2018-0137
TeleQuality Communications, LLC)	

STAFF RECOMMENDATION

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

1. On April 18, 2018, TeleQuality Communications, Inc. (“the Company”) filed tariff sheets that would change the minimum and maximum rates that it charges for local telephone service, a retail service to end user customers, specifically for healthcare providers in a rural service area. The Company also included in the proposed tariff sheets recognition of its change of name from TeleQuality Communications, Inc. to TeleQuality Communications, LLC. The Company asks the Commission to accept the notice of its name change, as well as to approve the proposed rural rate for healthcare providers pursuant to federal law 47 C.F.R. 54.607. The Commission ordered Staff to file a recommendation no later than May 18, 2018. Staff noted a deficiency in the original tariff filing in that it did not reflect an effective date of at least 10 days in compliance with Section 392.500(2), RSMo, or 1 day in compliance with 4 CSR 230-28.030(9) and filed a *Report* May 16, 2018. The Company filed new tariffs May 18, 2018.

2. Commission rule 4 CSR 240-28.030(9) requires all certificated telecommunications and iVoIP providers to provide notice to the Commission of any name changes prior to the effective date of the name change in a letter signed by a company official or attorney, filed in EFIS and accompanied by a new proposed tariff or a tariff sheet reflecting the new name and accompanied by an adoption notice with a one (1) day effective date. The provider should include with the notice: 1) a statement setting out the former and new name of the company; 2) evidence that the new name has been registered with the Missouri Secretary of State; 3) A statement indicating if customers have been or will be notified of the new name; 4) a statement that the Company has reviewed and updated its contacts in EFIS, if necessary. 4 CSR 230-28.030(9) requires that a tariff reflecting a name change must be filed with at least a one (1) day effective date.

3. Pursuant to Section 392.200(5), RSMo, a telecommunications company must file a tariff for the offer or provision of interexchange telecommunications services at a different price per minute or other unit of measure for the same, suitable or equivalent interexchange telecommunications services. Section 392.220, RSMo, requires 30 days' notice to the Commission prior to a telecommunications company filing for a change in rates. The notice must contain the proposed changes, the date the change would go into effect, and must be accompanied by new schedules or be indicated on the schedules filed and in force at the time. The effective date of the tariff must be at least ten (10) days from the date of filing. The Commission can waive the notice requirement for good cause under conditions it prescribes.

4. Federal law 47 C.F.R. 54.607 sets the rural rate that may be charged to healthcare providers by telecommunications carriers as the average of the provider's rates for services provided to other commercial customers in the same rural area. Subset (b) determines if the provider does not provide services to other customers in that rural area then the rate should be the average of other providers' services offered in that rural area. Additionally, subset (b) and subset (b)(1) specifically require a provider to submit to the relevant state commission a proposed rural rate for the service and justification of that proposed rate, including an itemization of the costs of the provided service.

5. TeleQuality provided with its *Request* proposed tariff sheets reflecting the change of name. TeleQuality supplemented its original *Request* with an additional filing including the filing of its change of name with the Missouri Secretary of State and statements that no notice has been provided to customers to date and that its contacts in EFIS have not changed as a result of the name change. The tariff filed May 18, 2018, meets all requirements of 4 CSR 230-28.030(9).

6. TeleQuality also provided with its *Request* proposed tariff sheets reflecting the proposed rural rates for Commission approval. The Company also submitted a confidential itemized cost sheet reflecting the costs of providing telecommunications services to the specific rural area for which it has proposed the new rates. The tariff filed May 18, 2018, meets all requirements of Section 392.200(5).

7. Staff finds that TeleQuality met all requirements of 4 CSR 240-28.030(9) and recommends that the Commission recognize and approve the name change, Staff's

review determined that TeleQuality has met all of the requirements of 47 C.F.R. 54.607 as they pertain to this Commission and that the proposed rural rates are both just and reasonable.

WHEREFORE, Staff recommends that the Commission recognize the name change of TeleQuality, Inc., to TeleQuality, LLC; either approve the tariffs filed May 18, 2018, in this matter by finding them just and reasonable or allow them to take effect by operation of law; and grant such further and other relief as is just in the circumstances.

Respectfully submitted,

/s/ Whitney Payne

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic mail, or First Class United States Postal Mail, postage prepaid, on this 23rd day of May, 2018, to all counsel of record.

/s/Whitney Payne