

# BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of tw telecom of kansas city, llc	)	
Tariff Filing to Implement Changes to	)	<u>File No. TT-2011-0362</u>
Conform this Tariff to the	)	Tariff No. JX-2011-0512
Company's Current Nationwide Access Template	)	

## ORDER APPROVING TARIFF

Issue Date: May 25, 2011

Effective Date: May 25, 2011

The Missouri Public Service Commission is approving the tariff. The tariff was suspended on Staff's motion, which began a contested case.<sup>1</sup> But Staff filed its recommendation in favor of approving the tariff, so the Commission will lift the suspension. Absent suspension, no law requires a hearing,<sup>2</sup> so this action is not a contested case<sup>3</sup> and the Commission need not separately state its findings of fact. On review of the filings, the Commission independently finds and concludes that the tariff supports safe and adequate service at just and reasonable rates so the Commission will approve the tariff.

### THE COMMISSION ORDERS THAT:

1. The suspension of Tariff No. JX-2011-0512 is lifted.
2. Tariff No. JX-2011-0512 is approved and the specific tariff sheets taking effect by operation of law are:

### P.S.C. MO. Access Tariff No. 12, replacing P.S.C. MO. No. 10

---

<sup>1</sup> Section 393.150.1, RSMo 2000; Section 536.010(4), RSMo Supp. 2010; *Jamison v. Dept. of Soc. Servs.*, 218 S.W.3d 399, 408-09 (Mo. banc 2007); *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976).

<sup>2</sup> *State ex rel. Rex Deffenderfer Ent., Inc. v. Public Serv. Comm'n*, 776 S.W.2d 494, 496 (Mo. App., W.D. 1989).

3. This order shall become effective on May 25, 2011.
4. This file shall close on May 26, 2011.

( S E A L )

**BY THE COMMISSION**



**Steven C. Reed**  
**Secretary**

Daniel Jordan, Senior Regulatory Law Judge,  
by delegation of authority under  
Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,  
on this 25<sup>th</sup> day of May, 2011.

---

<sup>3</sup> Section 536.010(4), RSMo Supp. 2010.