House Bill 331 Feedback and Subsequent Staff Response

Feedback provided at August 19, 2013 Meeting

Feedback/Questions	Staff Response
Missouri PSC action involving complaints should be reserved for a general company practice and not over an isolated incident. A company should always be given an opportunity to correct the practice before the Missouri PSC initiates any action.	Staff generally agrees with both considerations.
The registration process should result in the Missouri PSC issuing a certificate of service authority.	Agree. Staff has accordingly revised the proposed forms as well as Staff's comments of the bill's impact.
Missouri PSC rule 4 CSR 240-3.560 regarding procedures for ceasing operations should be revised to eliminate the requirement that all affected customers have been informed as to how they can select a new service provider.	Within the next twelve months an attempt will be made to review and update, if necessary, any Missouri PSC rules with continuing applicability after House Bill 331 implementation.
Missouri PSC rule 4 CSR 240-3.565 regarding procedures for filing bankruptcy should revise the various reporting requirements notifying the Missouri PSC about the bankruptcy.	Within the next twelve months an attempt will be made to review and update, if necessary, any Missouri PSC rules with continuing applicability after House Bill 331 implementation.
Should add to the list of applicable Missouri PSC rules the rule 4 CSR 240-32.200 regarding 211 service.	Agree. Staff inserted this rule into the list of applicable Missouri PSC rules that should continue to apply upon implementation of House Bill 331.
Federal USF rules regarding carrier of last resort obligations require a company to provide service upon reasonable request.	Agree with the concept. House Bill 331 specifically says statutory obligations are no longer applicable except for such things as USF.
If a company wants to continue to receive federal high-cost support does a company need to opt-in to be regulated under Chapter 392?	No because House Bill 331 specifically says statutory obligations are no longer applicable except for such things as USF.
What carrier of last resort obligations apply to a company that does not receive any federal USF high-cost support but receives Missouri USF high-cost support? *(This question assumes the Missouri USF would be altered to provide high-cost support.)*	Presumably if the Missouri USF is expanded to provide high-cost support this issue will be addressed so that the company will provide service to any reasonable request for service in the company's service area.
Has consideration been given to revising tariff filing time constraints so that tariff filings can be immediately implemented versus filing 10 or 30 days in advance of becoming effective?	Unless a company opts-in to Chapter 392 regulation a company will be able to make any tariff filing on one-day's notice.

The draft registration forms reflect incorrect case numbering.	All forms have been revised whereby case numbering has been removed. EFIS will automatically assign the proper case number when a form is electronically filed into EFIS.
The draft notice of change forms can also be used to remove service areas.	The notice of change forms have been revised accordingly.
Should allow affidavits to be signed by an officer or an authorized representative (and delete "general partner"). In addition, ensure the affidavit affirms the signer is an officer or an authorized representative. Note even though Section 392.550 specifically uses the phrase "officer or general partner" VoIP forms should not differ from the other forms.	Agree. All forms have been accordingly revised.
What are the logistics for a company to detariff?	The company should submit a letter addressed to the Missouri PSC Secretary and signed by an authorized company representative. The letter should be electronically filed into EFIS using the "Revised Current Tariff" submission option. The letter should address the following items: • The company's intent to detariff. • The effective date for detariffing. • The tariff or tariff pages to be withdrawn. • The website containing rate information.
The Missouri PSC's order granting a certificate of service authority to provide basic local exchange telecommunications service should still contain text about the access rate cap[1] requirement and the text regarding call completion.[2]	Agree; however, Staff has not attempted to revise the form. Instead Staff will attempt to address this issue by working with the judges drafting such orders.

[1] This text essentially is "Applicant's originating and terminating access rates shall not exceed the access rates of the ILEC against whom the applicant is competing pursuant to Sections 392.361.6 and 392.370. If the directly competing ILEC decreases its originating or terminating access services rates then the Applicant shall reduce its originating or terminating access rates in the ILEC's service area within 30 days."

[2] Call completion text is "The company will undertake all necessary measures to ensure its contracts with underlying carriers do not contain provisions preventing delivery of traffic to any telephone exchange area of Missouri. Such measures include but are not limited to: (A) Prevention of call blocking or call gapping based on the cost of traffic termination; (B) Preventing the alteration or stripping Calling Party Number Identification, and (C) Ensuring sufficient network capacity exists to process all traffic according to industry accepted practices."