

John R. Ashcroft

**Secretary of State
Administrative Rules Division**

RULE TRANSMITTAL

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SEP 24 2018

SECRETARY OF STATE
ADMINISTRATIVE RULES

Rule Number 4 CSR 240-36.040

Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.

COPY

Name of person to call with questions about this rule:

Content Morris Woodruff Phone 573-751-2849 FAX 573-526-6010

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Data Entry Christine Koenigsfeld Phone 573-751-4256 FAX 573-526-6010

Email address Christine.Koenigsfeld@psc.mo.gov

Interagency mailing address Public Service Commission, 9th Floor Gov. Office Bldg, JC, Mo
TYPE OF RULEMAKING ACTION TO BE TAKEN

☐ Emergency Rulemaking ☐ Rule ☐ Amendment ☐ Rescission ☐ Termination

Effective Date for the Emergency _____

☐ Proposed Rulemaking ☐ Rule ☐ Amendment ☐ Rescission

☐ Rule Action Notice ☐ In Addition ☐ Rule Under Consideration

☐ Request for Non-Substantive Change

☐ Statement of Actual Cost

☒ Order of Rulemaking ☒ Withdrawal ☐ Adopt ☐ Amendment ☐ Rescission

Effective Date for the Order _____

☐ Statutory 30 days OR Specific date _____

Does the Order of Rulemaking contain changes to the rule text? ☐ NO

☐ YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

Small Business Regulatory
Fairness Board (DED) Stamp

JCAR Stamp

JOINT COMMITTEE ON

AUG 22 2018

ADMINISTRATIVE RULES

STATE CAPITOL
201 W. CAPITOL AVENUE, ROOM 216
JEFFERSON CITY, MISSOURI 65101



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Michael L. Parson

GOVERNOR
STATE OF MISSOURI

August 14, 2018

Mr. Daniel Hall
Public Service Commission
200 Madison Street
PO Box 360
Jefferson City, MO 65102

RE: *Final Orders of Rulemaking - withdrawals*

Dear Daniel:

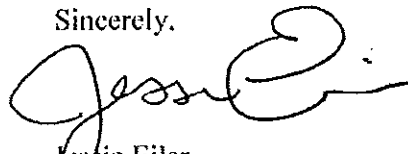
This office has received your Final Order of Rulemaking to withdraw the proposed rescission listed below.

- 4 CSR 240-29.010 – The LEC-to-LEC Network
- 4 CSR 240-29.020 – Definitions
- 4 CSR 240-29.030 – General Provisions
- 4 CSR 240-29.040 – Identification of Originating Carrier for Traffic Transmitted over the LEC-to-LEC Network
- 4 CSR 240-29.050 – Option to Establish Separate Trunk Groups for LEC-to-LEC Telecommunications Traffic
- 4 CSR 240-29.060 – Special Privacy Provisions for End Users Who Block Their Originating Telephone Number
- 4 CSR 240-29.080 – Use of Terminating Record Creation for LEC-to-LEC Telecommunications Traffic
- 4 CSR 240-29.090 – Time Frame for the Exchange of Records, Invoices, and Payments for LEC-to-LEC Network Traffic
- 4 CSR 240-29.100 – Objections to Payment Invoices
- 4 CSR 240-29.120 -- Blocking Traffic Origination Carriers and/or Traffic Aggregators by Transiting Carriers
- 4 CSR 240-29.130 – Requests of Terminating Carriers for Originating Tandem Carriers to Block Traffic of Originating Carriers and/or Traffic Aggregators
- 4 CSR 240-29.140 – Blocking Traffic of Transiting Carriers by Terminating Carriers
- 4 CSR 240-29.150 – Confidentiality
- 4 CSR 240-29.160 – Audit Provisions
- 4 CSR 240-34.010 – General Provisions

- 4 CSR 240-34.020 – Definitions
- 4 CSR 240-34.030 – Requirements for E-911 Service Providers
- 4 CSR 240-34.040 – ETS Subscriber Record Information Requirements of Resellers
- 4 CSR 240-34.050 – Subscriber Record Information and Service Order Standards for Facilities Based Companies
- 4 CSR 240-34.060 – Telecommunications Facilities Standards
- 4 CSR 240-34.070 – Repair of Telecommunication Facilities
- 4 CSR 240-34.080 – Selective Routing Standards
- 4 CSR 240-34.090 – Database Accuracy Standards
- 4 CSR 240-36.010 – Definitions
- 4 CSR 240-36.020 – Filing Procedures
- 4 CSR 240-36.030 – Mediation
- 4 CSR 240-36.040 – Arbitration
- 4 CSR 240-36.050 – Commission Approval of Agreements Reached by Arbitration

Executive Order 17-03 requires this office's approval before state agencies release proposed regulations for notice and comment, amend existing regulations, rescind regulations, or adopt new regulations. After our review of this rulemaking, we approve the rule's submission to the Joint Committee on Administrative Rules and the Secretary of State.

Sincerely,



Jessie Eiler
Deputy Counsel



Commissioners
DANIEL Y. HALL
Chairman
WILLIAM P. KENNEY
SCOTT T. RUPP
MAIDA J. COLEMAN
RYAN A. SILVEY

Missouri Public Service Commission

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Director of Administration
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Staff Director

John Ashcroft
Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, Missouri 65101

Re: 4 CSR 240-36.040 Arbitration

Dear Secretary Ashcroft,

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the order of rulemaking lawfully submitted by the Missouri Public Service Commission.

Statutory Authority: section 386.410, RSMo 2016

If there are any questions regarding the content of this order of rulemaking, please contact:

Morris L. Woodruff, Chief Regulatory Law Judge
Missouri Public Service Commission
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Morris L. Woodruff
Chief Regulatory Law Judge

Enclosures

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SECRETARY OF STATE
ADMINISTRATIVE RULES

Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240 – Public Service Commission
Chapter 36 – Alternative Dispute Resolution Procedural Rules Governing
Filings Made Pursuant to the Telecommunications Act of 1996

ORDER OF RULEMAKING

COPY

By the authority vested in the Public Service Commission under section 386.410, RSMo 2016, the commission withdraws a proposed rescission of a rule as follows:

4 CSR 240-36.040 Arbitration proposed rescission is withdrawn.

A notice of proposed rulemaking containing the proposed rule rescission was published in the *Missouri Register* on May 15, 2018 (43 MoReg 1007-1008). This proposed rescission is withdrawn.

SUMMARY OF COMMENTS: The public comment period ended July 2, 2018, and the commission held a public hearing on the proposed rule on July 10, 2018. The commission received timely written comments from the staff of the commission, the Missouri Telecommunications Industry Association (MTIA), and from Windstream Missouri, LLC. Whitney Payne, representing the commission's staff, and Natelle Dietrich, on behalf of staff; Richard Telthorst, on behalf of MTIA; Leo Bub, representing AT&T Missouri; and Brian McCartney, representing the Missouri Small Telephone Company Group, appeared at the hearing and offered comments.

COMMENT #1: Staff explained the Alternative Dispute Resolution Procedural Rules Governing Filings Made Pursuant to the Telecommunications Act of 1996 establish procedures to be used if a telecommunications carrier asks the commission to mediate or arbitrate an interconnection dispute with another carrier. Staff suggested the rules are unnecessary because they have not been used for several years. Representatives of the Local Exchange Carriers that would use the procedures established in the rules offered comments strongly disagreeing with staff's view of the importance of the rules. They explained these rules do not impose any regulatory burden on anyone. Rather, they establish procedures that would be very helpful if the commission is again asked to mediate or arbitrate an interconnection dispute. They urge the commission not to rescind the rules.

RESPONSE: The commission agrees the Alternative Dispute Resolution Procedural Rules Governing Filings Made Pursuant to the Telecommunications

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ADMINISTRATIVE RULES

Act of 1996 remain necessary. The Commission will withdraw the proposed rescission of this rule.