

RULE TRANSMITTAL (PAGE 1)

MATT BLUNT

Secretary of State  
Administrative Rules Division  
RULE TRANSMITTAL



A "SEPARATE" rule transmittal sheet **MUST** be used for EACH individual rulemaking.

A. Rule Number 4 CSR 240-32.190  
 Diskette File Name 4 CSR 240-32.190  
 Name of person to call with questions about this rule:  
 Content Keith Krueger Phone 573-751-4140 FAX 573-751-9285  
 Data entry Lesli Belt Phone 573-751-7499 FAX Same as above  
 Email address keith.krueger@psc.mo.gov  
 Interagency mailing address Governor Office Building, 200 Madison St., 8th Floor, Jefferson City, MO  
 Statutory Authority 386.040, 386.250, and 392.200 Current RSMo date 2000  
 Date filed with the Joint Committee on Administrative Rules Exempt per Sections 536.024 and 536.037, RSMo 2000, and Executive Order No. 97-97 (June 27, 1997)

B. CHECK, IF INCLUDED:

<input checked="" type="checkbox"/> This transmittal completed	<input type="checkbox"/> Incorporation by reference materials, if any
<input checked="" type="checkbox"/> Cover letter	<input type="checkbox"/> Authority with history of the rule
<input type="checkbox"/> Affidavit	<input type="checkbox"/> Public cost
<input type="checkbox"/> Forms, number of pages <u>    </u>	<input type="checkbox"/> Private cost
<input type="checkbox"/> Fiscal notes	<input type="checkbox"/> Hearing and comment period

C. RULEMAKING ACTION TO BE TAKEN

Emergency rulemaking, (check one)  rule  amendment  rescission  termination  
**MUST include effective date**

Proposed Rulemaking (check one)  rule  amendment  rescission

Order of Rulemaking (check one)  rule  amendment  rescission  termination  
**MUST complete page 2 of this transmittal**

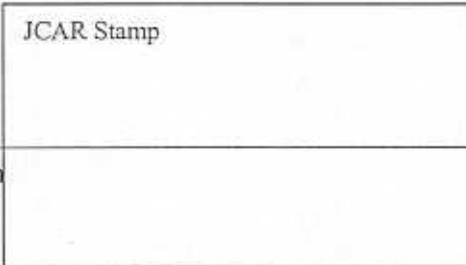
Withdrawal (check one)  rule  amendment  rescission  emergency

Rule action notice

In addition

Rule under consideration

D. SPECIFIC INSTRUCTIONS: Please indicate any special instructions (e.g., publication date preference, identify material to be incorporated by reference, or forms included herein).  
 Please publish in the February 17, 2004 issue of the Missouri Register, if possible.  
 \_\_\_\_\_  
 \_\_\_\_\_  
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NOTE: ALL changes MUST be specified here in order for those changes to be published in the Missouri Register and the Code of State Regulations.

Add additional sheet(s), if more space is needed.

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E. ORDER OF RULEMAKING: Rule Number 4 CSR 240-32.190

1a. Effective Date for the Order

Statutory 30 days

Specific date \_\_\_\_\_

1b. Does the Order of Rulemaking contain changes to the rule text?

YES

NO

1c. If the answer is YES, please complete section F. If the answer is NO, **STOP** here.

F. Please provide a complete list of the changes in the rule text for the order of rulemaking, indicating the specific section, subsection, paragraph, subparagraph, part, etc., where each change is found. It is especially important to identify the parts of the rule that are being deleted in this order of rulemaking. This is not a reprinting of your order, but an explanation of what sections, subsections, etc. have been changed since the original proposed rule was filed.

(Start text here. If text continues to a third page, insert a continuous section break and, in section 3, delete the footer text. DO NOT delete the header, however.)



Commissioners

STEVE GAW  
Chair

CONNIE MURRAY

ROBERT M. CLAYTON III

*Missouri Public Service Commission*

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ROBERT J. QUINN, JR.  
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Director, Utility Operations

ROBERT SCHALLENBERG  
Director, Utility Services

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Director, Administration

DALE HARDY ROBERTS  
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE  
General Counsel

February 3, 2004

Matt Blunt  
Secretary of State  
Administrative Rules Division  
600 West Main Street  
Jefferson City, MO 65101

Dear Secretary Blunt,

Re: **4 CSR 240-32.190 Definitions – Standards for Providing Caller Identification Blocking Service**

**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 Department of Economic Development, Public Service Commission on this 3<sup>rd</sup> day of February 2004.

Statutory Authority: Sections 386.040, 386.250, and 392.200, RSMo 2000.

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

Keith R. Krueger, Deputy General Counsel  
Missouri Public Service Commission  
200 Madison Street  
P.O. Box 360  
Jefferson City, Missouri 65102  
(573) 751-4140  
[keith.krueger@psc.mo.gov](mailto:keith.krueger@psc.mo.gov)

BY THE COMMISSION



**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

Enclosures: Order of Rulemaking – Rule 4 CSR 240-32.190 (Standards for Providing Caller Identification Blocking Service); electronic copy on 3.5” diskette; rule Transmittal.

Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240 – Public Service Commission  
Chapter 32 – Telecommunications Service

RECEIVED

FEB 03 2004

SECRETARY OF STATE  
ADMINISTRATIVE RULES

ORDER OF RULEMAKING

By the authority vested in the public service commission by sections 386.040, 386.250, and 392.200, RSMo, the commission adopts a rule as follows:

**4 CSR 240-32.190 Standards for Providing Caller Identification Blocking Service is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on December 15, 2003 (28 Mo Reg 2222). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The public service commission received three comments on the proposed rule. AT&T Communication of the Southwest, Inc. stated that it opposed the last sentence of section (2), which prohibits any telecommunications company from providing per-line blocking to anyone except specified agencies. The staff of the commission said it was indifferent about that sentence, but expressed general support for the proposed rule. The office of the public counsel stated that it supports the rule.

**COMMENT:** AT&T opposed the provision that would prohibit companies from providing per-line blocking to anyone other than law enforcement agencies and certain domestic violence intervention agencies or their employees. AT&T said that although its own present tariff contains restrictions like those in the proposed rule, it believes that, in a competitive marketplace, it should be free to offer products that differentiate it from its competitors, so that its customers can have a choice of options and services. AT&T also said that this limitation on per-line blocking would increase its cost of doing business.

**COMMENT:** The staff of the commission supported the proposed rule. It said the proposed rule complements a rule of the federal communications commission, and that it outlines the basic requirements that the commission established in a 1993 case, which authorized Southwestern Bell Telephone Company to offer a caller identification service to its customers. The staff said that all, or nearly all, local telecommunications companies presently comply with the requirements laid down in that 1993 case. The staff said the proposed rule would not unduly restrain the affected law enforcement agencies and domestic violence centers, and that there would be very little or no fiscal impact on any telecommunications company, business or individual. The staff said it is unclear whether the commission would now reject a telecommunications company's request to offer per-line blocking to other parties, and said it is indifferent about whether the last sentence of subsection (2) should be removed.

**COMMENT:** The office of the public counsel stated that the proposed rule is necessary for the health, safety, welfare and convenience of the ratepayers and the public. It also stated that it has

sought a requirement that per-line blocking be available to all customers for an additional charge, but said that that proposal is beyond the scope of this rule.

RESPONSE: The proposed rule is consistent with the policy that the commission established in 1993, which has been followed by virtually all local telecommunications companies since then. It provides benefits to members of the public, does not unduly burden the affected agencies, and there is no evidence that this rule would have an appreciable fiscal impact. Allowing telecommunications companies to provide per-line blocking to others would dilute the value of the service and is not advisable.