

John R. Ashcroft

Secretary of State
Administrative Rules Division

RULE TRANSMITTAL

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OCT 05 2018

SECRETARY OF STATE
ADMINISTRATIVE RULES

Rule Number 4 CSR 240-28.010

COPY

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

Name of person to call with questions about this rule:

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

Email address Morris.woodruff@psc.mo.gov

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:

Sections (9), (10), (11), (12), (13), and (14)

Small Business Regulatory
Fairness Board (DED) Stamp

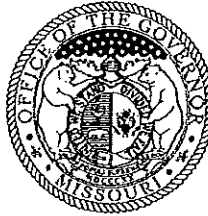
JCAR Stamp

JOINT COMMITTEE

SEP 05 2018

ADMINISTRATIVE

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



(573) 751-3222
WWW.GOVERNOR.MO.GOV

Michael L. Parson

GOVERNOR
STATE OF MISSOURI

August 30, 2018

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

RE: *Proposed Rulemaking*

Dear Daniel:

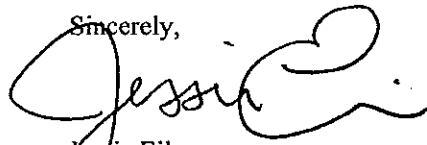
This office has received your proposed amendments, rules and rescissions for the regulations listed below.

- 4 CSR 240-28.010 – Definitions (proposed amendment)
- 4 CSR 240-31.010 – Definitions (proposed amendment)
- 4 CSR 240-28.011 – Certificate of Service Authority and/or Registration (proposed rule)
- 4 CSR 240-28.012 – Annual Reports, Statements of Revenue, and Assessments (proposed rule)
- 4 CSR 240-28.013 – Tariff Filings and Interconnection Agreements (proposed rule)
- 4 CSR 240-28.014 – Network Configuration (proposed rule)
- 4 CSR 240-28.015 – 211 Service (proposed rule)
- 4 CSR 240-28.016 – Telephone Numbering (proposed rule)
- 4 CSR 240-31.011 – Missouri USF Administration (proposed rule)
- 4 CSR 240-31.012 – Missouri USF Assessment (proposed rule)
- 4 CSR 240-31.013 – Missouri USF High Cost Support (proposed rule)
- 4 CSR 240-31.014 – Lifeline and Disabled Programs (proposed rule)
- 4 CSR 240-31.015 – ETC Requirements (proposed rule)
- 4 CSR 240-31.016 – ETC Application Requirements (proposed rule)
- 4 CSR 240-28.020 – General Provisions (proposed rescission)
- 4 CSR 240-28.030 – Certification or Registration Requirements (proposed rescission)
- 4 CSR 240-28.040 – Reporting Requirements (proposed rescission)
- 4 CSR 240-28.050 – Assessment Requirements (proposed rescission)
- 4 CSR 240-28.060 – Service Requirements (proposed rescission)
- 4 CSR 240-28.070 – Tariffs (proposed rescission)
- 4 CSR 240-28.080 – Interconnection Agreements (proposed rescission)
- 4 CSR 240-28.090 – 211 Service (proposed rescission)
- 4 CSR 240-31.020 – Organization, Powers, and Meetings of the Board (proposed rescission)
- 4 CSR 240-31.030 – The MoUSFA (proposed rescission)
- 4 CSR 240-31.040 – Eligibility for Funding – High Cost Areas (proposed rescission)
- 4 CSR 240-31.060 – The MoUSF Assessment (proposed rescission)
- 4 CSR 240-31.090 – Disbursement of MoUSF Funds (proposed rescission)
- 4 CSR 240-31.100 – Review Procedures for Support Payments (proposed rescissions)

- 4 CSR 240-31.110 – Review of Board and MoUSFA Activities (proposed rescission)
- 4 CSR 240-31.120 – Lifeline Programs and Disabled Programs (proposed rescissions)
- 4 CSR 240-31.130 – Eligible Telecommunications Carrier Requirements (proposed rescission)
- 4 CSR 240-37.010 – General Provisions (proposed rescission)
- 4 CSR 240-37.020 – Definitions (proposed rescission)
- 4 CSR 240-37.030 – Thousands-Block Number Pooling (proposed rescission)
- 4 CSR 240-37.040 – Request for Review of the Decisions of the North American Numbering Plan Administrator or the Thousands-Block Pooling Administrator (proposed rescission)
- 4 CSR 240-37.050 – Reclamation (proposed rescission)
- 4 CSR 240-37.060 – Reporting Requirements (proposed rescission)

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 submission of these amendments, rules and rescissions 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 240-28.010 Definitions

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: sections 386.040, 386.250, 386.310, 392.450, and 392.461, 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
200 Madison Street
P.O. Box 360
Jefferson City, MO 65102
(573) 751-2849
Morris.woodruff@psc.mo.gov

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 28 – Communications**

ORDER OF RULEMAKING

COPY

By the authority vested in the Public Service Commission under sections 386.040, 386.250, 386.310, 392.450, and 392.461 RSMo 2016, the commission amends a rule as follows:

4 CSR 240-28.010 Definitions is amended.

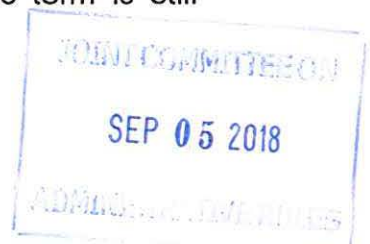
A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 15, 2018 (43 MoReg 981). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the Code of State Regulations.

SUMMARY OF COMMENTS: The public comment period ended July 2, 2018, and the commission held a public hearing on the proposed rule on July 9, 2018. The commission received timely written comments from AT&T, Missouri Cable Telecommunications Association (MCTA), CenturyLink, Windstream Missouri, Verizon, the Small Telephone Company Group and Missouri Independent Telephone Company Group (STCG), the Missouri Telecommunications Industry Association (MTIA), and the staff of the commission. Whitney Payne, representing the commission's staff; Richard Telthorst, on behalf of MTIA; Brian McCartney, representing STCG; and Craig Johnson representing Chariton Valley Communications, appeared at the hearing and offered comments.

COMMENT #1: MTIA is concerned about the deletion of "wholesale uncollectibles" from the definition of "Missouri Jurisdictional Revenue" in section 28.010(9). Similarly, MTIA urges the Commission to retain the current definitions of "Net Jurisdictional Revenue" and "Total Missouri Jurisdictional Revenue" in sections 28.010(10) and (16) of the existing rule because those definitions also include "wholesale uncollectibles."

RESPONSE AND EXPLANATION OF CHANGE: The Commission agrees with MTIA. The definition of "Missouri jurisdictional revenue" in section 28.010(9) will be expanded to encompass the definition of "Total Missouri Jurisdictional Revenue," including "wholesale uncollectibles."

COMMENT #2: The proposed rule deletes the definition of "Non-Switched Local Exchange Telecommunications Service", but MTIA points out the term is still used in the amended rule and suggests the definition be retained.



RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with MTIA and will restore the definition of "Non-Switched Local Exchange Telecommunications Service as section 28.010(10). Subsequent sections will be renumbered.

4 CSR 240-28.010 Definitions. This rule defines terms used in the rules comprising Chapter 28.

(9) Missouri jurisdictional revenue—A company's total revenue associated with the provisioning of intrastate telecommunications and IVoIP services. This revenue includes a company's net jurisdictional revenue, wholesale revenues, and any revenue received from the Missouri Universal Service Fund minus wholesale uncollectibles. Total Missouri jurisdictional operating revenue is annually reported and is used for the commission assessment.

(10) Non-switched local exchange telecommunications service—Service connecting customer locations within an exchange to other points within the exchange provisioned by facilities dedicated to these locations and points, and which facilities do not switch the service to other locations and points.

(11) Payphone service—Service providing two- (2-) way voice service for a fee to the general public using a privately owned device.

(12) Registration—The granting of a registration to provide interconnected voice over Internet protocol service or video service by the commission.

(13) Shared tenant service—The provisioning of a commercially shared telecommunications service provided to residents in a building or a common limited geographic area.

(14) Tariff—A document submitted to the commission identifying the telecommunications services offered by a company and also identifying the rates, terms, and conditions for the use of such services.