

copy
MATT BLUNT
Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

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OCT 30 2003

**SECRETARY OF STATE
ADMINISTRATIVE RULES**

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

A. Rule Number 4 CSR 240-32.070
Diskette File Name 240-32.070 Word 2000
Name of Person to call with questions about this rule:
Content Bruce H. Bates Phone 573-751-7434 FAX 573-751-9285
Data Entry Susan L. Sundermeyer Phone 573-751-4335 FAX Same as above
Email Address brucebates@psc.state.mo.us
Interagency Mailing Address Governor Office Building, 200 Madison St., 8th Floor, Jefferson City, MO
Statutory Authority 386.040, 386.250, 386.310, 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 checked="" 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).

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E. ORDER OF RULEMAKING: Rule Number _____

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.)

NOTE: ALL changes MUST be specified here in order for those changes to be made in the rule as published in the *Missouri Register* and the *Code of State Regulations*.

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



Commissioners
KELVIN L. SIMMONS
Chair
CONNIE MURRAY
STEVE GAW
BRYAN FORBIS
ROBERT M. CLAYTON III

Missouri Public Service Commission

POST OFFICE BOX 360
JEFFERSON CITY, MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
<http://www.psc.mo.gov>
October 30, 2003

ROBERT J. QUINN, JR.
Executive Director
WESS A. HENDERSON
Director, Utility Operations
ROBERT SCHALLENBERG
Director, Utility Services
DONNA M. PRENGER
Director, Administration
DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge
DANA K. JOYCE
General Counsel

Honorable Matt Blunt
Secretary of State
600 West Main Street
Jefferson City, Missouri 65101

ATTENTION: Administrative Rules Division

I do hereby certify that the attached are accurate and complete copies of the Proposed Amendments to Existing Rules lawfully submitted by the Missouri Public Service Commission for filing this 30th day of October 2003, that a takings analysis and small business impact analysis have occurred and that these proposed amendments do not constitute a taking of real property under relevant state and federal law.

Rules: 4 CSR 240-3.500	Definitions Pertaining Specifically to Telecommunication Company Rules
4 CSR 240-3.550	Telecommunication Company Records and Reports
4 CSR 240-32.020	Definitions
4 CSR 240-32.060	Engineering and Maintenance
4 CSR 240-32.070	Quality of Service
4 CSR 240-32.080	Service Objectives and Surveillance Levels

Statutory authority: 386.040, 386.250, 386.310, and 392.200, RSMo (2000)

Missouri Public Service Commission Case No TX-2004-0106

If there are any questions, please contact: Bruce H. Bates, Associate General Counsel
Missouri Public Service Commission
200 Madison St.
Post Office Box 360
Jefferson City, Missouri 65102
(573) 751-7434

Sincerely,

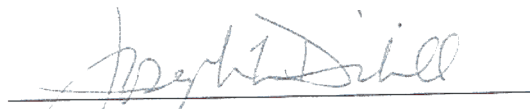
Dan Joyce
General Counsel
Missouri Public Service Commission

Enclosures

AFFIDAVIT

STATE OF MISSOURI)
)
COUNTY OF COLE)


I, Joseph L. Driskill, Director of the Department of Economic Development, first being duly sworn on my oath state that it is my opinion that the cost of the **Proposed Amendment to 4 CSR 240-32.070 – Quality of Service**, is less than five hundred dollars (\$500) in the aggregate to this agency, any other agency of state government or any political subdivision thereof.



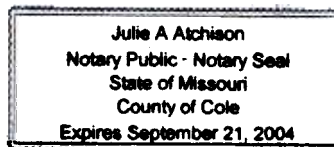
Joseph L. Driskill
Director
Department of Economic Development

Subscribed and sworn to before me this 21st day of October, 2003.

I am commissioned as a notary public within the County of Cole
State of Missouri, and my commission expires on September 21, 2004



NOTARY PUBLIC



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

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SECRETARY OF STATE
ADMINISTRATIVE RULES

PROPOSED AMENDMENT

4 CSR 240-32.070 Quality of Service. The commission is amending section (4) and section (5) of the quality service tracking standards.

***PURPOSE:** This amendment change provides clarification to the rule's quality of service standards and requirements.*

(4) *[Each company shall make commitments to customers or potential customers as to the date of installation, repair or regrade of basic local telecommunications service.]* **Each customer requesting the installation or repair of basic local telecommunications service will be provided with a commitment as to the date service will be installed or repaired. The customer may request an appointment more specific in time than the one offered by the company. If requested by the customer, the company will indicate a morning or afternoon appointment, and will make reasonable efforts to accommodate the customer's [more specific] appointment requests. [When substantial construction is required to meet a regrade of service request, the company shall provide an approximate date by which that regrade will be completed. This projected commitment date shall be based on a good faith estimate and be projected to a specific quarter of a specific year. This date shall be provided to the customer within thirty (30) days of the original request for regrade of service.]**

(5) **Each company shall provide for the receipt of all customer trouble reports at all hours and make a full and prompt investigation of all complaints. The company shall maintain an accurate record of trouble reports made by its customers. This record shall include an appropriate identification of the customer; the service affected; the time, date and nature of the report; the action taken to clear the trouble or satisfy the complaint; and the date and time of trouble clearance or other disposition. If customer trouble reports are relayed to a recorder after business hours and on weekends, the recorder must be capable of automatically recording the date and time so that company personnel can determine the exact time the trouble was reported to the company. The time and date of initial customer contact will start the out-of-service time period as identified in 4 CSR 240-32.080(H).**

***AUTHORITY:** sections 386.040, RSMo 1994 and 386.250, 386.310 and 392.200, RSMo Supp. 1998.* Original rule filed Dec. 11, 1975, effective Dec. 23, 1975. Rescinded and readopted: Filed Jan. 5, 1999, effective Sept. 30, 1999.*

****Original Authority:** 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; 386.310, RSMo 1939, amended 1979, 1989, 1996; and 392.200, RSMo 1939, amended 1987, 1988, 1996.*

***PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*