

John R. Ashcroft

Secretary of State
Administrative Rules Division

RULE TRANSMITTAL

Administrative Rules Stamp

RECEIVED

SEP 24 2018

SECRETARY OF STATE
ADMINISTRATIVE RULES

Rule Number 4 CSR 240-34.070

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:

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



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

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:

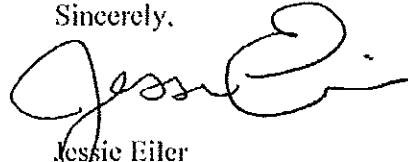
This office has received your Final Order of Rulemaking to withdraw the proposed rescission listed below.

- 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

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

SHELLEY BRUEGGEMANN
General Counsel
MORRIS WOODRUFF
Secretary
LOYD WILSON
Director of Administration
NATELLE DIETRICH
Staff Director

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

Re: 4 CSR 240-34.070 Repair of Telecommunications Facilities

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 386.040, 386.250, and 392.200, 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

Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240 – Public Service Commission
Chapter 34 – Emergency Telephone Service Standards

RECEIVED

SEP 24 2018

SECRETARY OF STATE
ADMINISTRATIVE RULES

ORDER OF RULEMAKING

COPY

By the authority vested in the Public Service Commission under sections 386.040, 386.250, and 392.200 RSMo 2016, the commission withdraws a proposed rescission of a rule as follows:

4 CSR 240-34.070 Repair of Telecommunications Facilities 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 1005). 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 Emergency Telephone Service Standards in Chapter 34, of which this rule is a part, establish detailed guidance for emergency 911 call routing and service related to public safety answering points in Missouri. Staff suggested the rules are unnecessary and obsolete because they do not apply to wireless carriers. Representatives of the Local Exchange Carriers that would be affected by the standards offered comments strongly disagreeing with staff's view of the importance of the rule. They explained these rules make clear the obligations of participating carriers in routing 911 calls and in maintaining and updating the E-911 data base. They concede the rules have not been updated since 1999 and suggest a working case be opened to consider updating them, but they indicate the rules still work and should not be discarded.

RESPONSE: The commission agrees the Emergency Telephone Service Standards of Chapter 34 remain necessary. The Commission will withdraw the proposed rescission of this rule.

