

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
April 12, 2001**

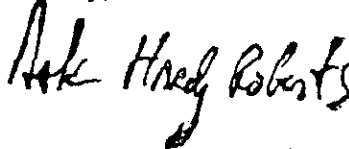
CASE NO: TX-2001-512

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive style with a large, stylized "D" and "R".

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

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office
in Jefferson City on the 12th
day of April, 2001.

In the Matter of Proposed Amendments to)	
Commission Rules 4 CSR 240-33.010, 33.020,)	<u>Case No. TX-2001-512</u>
33.030, 33.040, 33.060, 33.070, 33.080,)	
33.110 and 33.150.)	

ORDER FINDING NECESSITY FOR RULEMAKING

On March 27, 2001, the Staff of the Missouri Public Service Commission filed a Motion for Finding of Necessity for Rulemaking pursuant to Section 536.016, RSMo 2000.¹ These proposed amendments update the existing rules in 4 CSR 240 - Chapter 33 Service and Billing Practices for Telecommunications Companies.

Staff stated in its motion that the National Association of Regulatory Utility Commissioners (NARUC) provided Truth-in-Billing Model Rules to each State Commission, which were developed by a NARUC working group charged with responsibility to examine problems with confusing and misleading telephone bills. Staff stated that these model rules were compared with Chapter 33 rules and Staff now recommends that the current Chapter 33 rules be modified to provide rule provisions that more closely match the model rules proposed by NARUC. Staff also noted that certain parts of the existing Chapter 33 rules needed clarification or modification. Staff suggested that these proposed amendments should allow

¹ All statutory references are to Revised Statutes of Missouri 2000 unless otherwise indicated.

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consumers a better understanding of their bill and give consumers the ability to control what type of calls are made from their telephone and what charges are found on their telephone bill.

Staff indicated that the proposed amendments will be incorporated into the following rules:

- 4 CSR 240-33.010 General Provisions
- 4 CSR 240-33.020 Definitions
- 4 CSR 240-33.030 Minimum Charges Rules
- 4 CSR 240-33.040 Billing and Payment Standards for Residential Customers
- 4 CSR 240-33.060 Residential Customer Inquiries
- 4 CSR 240-33.070 Discontinuance of Service to Residential Customers
- 4 CSR 240-33.080 Disputes by Residential Customers
- 4 CSR 240-33.110 Commission Complaint Procedures
- 4 CSR 240-33.150 Verification of Orders for Changing Telecommunications Service Provider

Staff pointed out that the statutory authority to promulgate Commission rules 4 CSR 240-33.010, 33.020, 33.030, 33.040, 33.060, 33.070, 33.080, and 33.110 is found in Sections 386.040, 386.250 and 392.200, RSMo. Staff also noted that the statutory authority to promulgate Commission rule 33.150 is found in Sections 386.040, 386.250, 392.200 and 392.540, RSMo. Staff identified Section 386.250(6) as the provision that specifically authorizes the Commission to adopt rules that prescribe the conditions of rendering public utility service, disconnecting or refusing to reconnect public utility service and billing for public utility service.

Staff stated it had received preliminary information from the industry stating that aspects of proposed rule amendment to 4 CSR 240-33.060 will have a significant fiscal impact. Staff noted that Section 386.610, RSMo, provides that the Public Service Commission Law² shall be liberally construed considering public welfare, efficient facilities and substantial justice between patrons and public utilities. Staff also made

² Section 386.010, RSMo - Short title of law.

reference to Section 392.185, RSMo, which provides, in part, that Chapter 392 shall be construed to, among other things, promote universally available and widely affordable telecommunications services and ensure that customers pay only reasonable charges for telecommunications service.

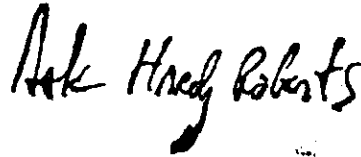
Pursuant to Section 536.016, RSMo, a state agency is required to find that a proposed rule is necessary to carry out the purposes of the statute that granted the rulemaking authority based on substantial evidence on the record. Based on the record, the Commission finds that the proposed amendments to Rules 4 CSR 240-33.010 General Provisions, 4 CSR 240-33.020 Definitions, 4 CSR 240-33.030 Minimum Charges Rules, 4 CSR 240-33.040 Billing and Payment Standards for Residential Customers, 4 CSR 240-33.060 Residential Customer Inquiries, 4 CSR 240-33.070 Discontinuance of Service to Residential Customers, 4 CSR 240-33.080 Disputes by Residential Customers, 4 CSR 240-33.110 Commission Complaint Procedures, and 4 CSR 240-33.150 Verification of Orders for Changing Telecommunications Service Provider, are necessary to carry out the purposes of Sections 386.040, 386.250, 392.200 and 392.540, RSMo.

IT IS THEREFORE ORDERED:

1. That the Staff of the Missouri Public Service Commission is authorized in accordance with the procedures of the Commission and applicable procedures of administrative rulemaking to file a proposed rule for the Commission's consideration.

2. That this order shall become effective on April 22, 2001.

BY THE COMMISSION

A handwritten signature in black ink, reading "Dale Hardy Roberts". The signature is written in a cursive style with a large, stylized initial "D".

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Drainer, Murray,
Simmons, and Gaw, CC., concur.

Register, Regulatory Law Judge

ALJ/Secretary:

Register Hope

Date Circulated

4-6

TX-2001-512
CASE NO.

Lampe, Chair

Draimer, Vice Chair

Murray, Commissioner

Simmons, Commissioner

Gav, Commissioner

Agenda Date

Action taken:

Must Vote Not Later Than

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 12th day of April 2001.

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

