

**STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY  
January 30, 2001**

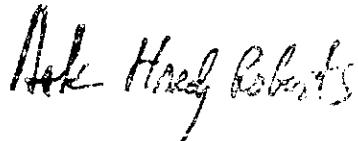
**CASE NO: TX-2001-73**

**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 a PROPOSED RULE in the above-numbered case(s).**

**Sincerely,**

A handwritten signature in black ink, appearing to read "Dale Hardy Roberts". The signature is written in a cursive, flowing style.

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

trust office and the customer (e.g., forward requests for distribution or changes in investment objective, or forward forms and funds received from the customer); or simply inspect or maintain custody of fiduciary assets. An institution may not accept fiduciary appointments, execute documents that create a fiduciary relationship or make decisions regarding the investment or distribution of fiduciary assets at a trust representative office.

(2) A Missouri chartered bank or trust company may establish one (1) or more trust representative offices, subject to sections 362.105.1(9) and 362.105.2, RSMo 2000. The institution shall provide the Division of Finance with a written notice within thirty (30) days after establishing each trust representative office.

(3) A "foreign corporation" as defined in section 362.600.1, RSMo 2000 may establish a trust representative office in Missouri if it meets the following requirements:

(A) The institution possesses fiduciary powers and is in good standing with its chartering agency;

(B) The institution holds a certificate of reciprocity from the Division of Finance;

(C) The institution is chartered by or has its principal place of business in a state that meets the reciprocity requirements for trust representative offices set forth in section 362.600.5(3), RSMo 2000; and

(D) The institution has provided the Division of Finance with a written notice at least thirty (30) days before establishing the trust representative office.

**AUTHORITY:** sections 361.105, 362.105, 362.106 and 362.600, RSMo 2000. Original rule filed Dec. 29, 2000.

**PUBLIC COST:** This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

**PRIVATE COST:** This proposed rule will not cost private entities more than \$500 in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Economic Development, Division of Finance, PO Box 716, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. Private entities who feel there is a cost which exceeds \$500 associated with this proposed rule, are requested to submit the cost (estimated or actual, if available) with the comments. Public hearing is scheduled for 10:00 a.m. on March 5, 2001, at the Harry S Truman State Office Building, Room 494, 301 West High Street, Jefferson City, Missouri.

#### Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

##### Division 150—State Board of Registration for the Healing Arts

##### Chapter 4—Licensing of Speech-Language Pathologists and Audiologists

#### PROPOSED AMENDMENT

**4 CSR 150-4.060 Fees.** The board is proposing to amend the purpose statement.

**PURPOSE:** This amendment removes the word "clinical" from the original Purpose statement to be consistent with legislative amendments made to Chapter 345, RSMo effective with the passage of House Bill 1601 of the 89th General Assembly.

**PURPOSE:** This rule establishes the fees for speech pathologists or [clinical] audiologists, or both.

**AUTHORITY:** sections 345.015, 345.022, 345.030, 345.045, 345.051, 345.055 and RSMo [Supp. 1999] 2000. Original rule filed July 1, 1988, effective Oct. 27, 1988. Amended: Filed April 2, 1992, effective Dec. 3, 1992. Amended: Filed July 12, 1996, effective Jan. 30, 1997. Amended: Filed Nov. 17, 1997, effective June 30, 1998. Amended: Filed July 25, 2000, effective Dec. 30, 2000. Amended: Filed Dec. 22, 2000.

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

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

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Healing Arts, 3605 Missouri Boulevard, PO Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

TX-2001-73  
Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 150—Public Service Commission  
Chapter 32—Telecommunications Service

#### PROPOSED RULE

**4 CSR 240-32.130 General Provisions—Prepaid Interexchange Calling Services**

**PURPOSE:** This rule sets forth the applicability of the rules comprising 4 CSR 240-32.130 through 4 CSR 240-32.170.

(1) This rule, and other rules comprising 4 CSR 240-32.130 through 4 CSR 240-32.170, shall apply to companies that provide prepaid calling interexchange services to the public using their own facilities or reselling the services of another telecommunications company.

**AUTHORITY:** sections 386.040, 386.250 and 392.200, RSMo 2000. Original rule filed Dec. 29, 2000.

**PUBLIC COST:** This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

**PRIVATE COST:** This proposed rule will not cost private entities more than \$500 in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102, (573) 751-3234. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. Comments should refer to Case No. TX-2001-73, and be filed with an original and nine copies. A public hearing is scheduled for March 16, 2001, at 9:00 a.m. in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, for interested persons to appear and respond to Commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211, or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT**

**Division 240—Public Service Commission  
Chapter 32—Telecommunications Service**

**PROPOSED RULE**

**4 CSR 240-32.140 Definitions—Prepaid Interexchange Calling  
Services**

*PURPOSE: This rule defines terms used in the rules comprising 4 CSR 240-32.130 through 4 CSR 240-32.170.*

- (1) Commission—The Missouri Public Service Commission.
- (2) Company—Any telecommunications company providing prepaid calling services to the public using its own facilities or reselling the services of another telecommunications company.
- (3) Customer—Any entity/person inquiring about or purchasing prepaid calling services.
- (4) Customer Service—A set of services which are available to the prepaid calling service user 24 hours a day, seven days a week via a domestic toll-free number.
- (5) Prepaid Calling Services (PPCS or Services)—Prepaid telecommunications service that allows end users to originate calls through an access number and authorization code, whether manually or electronically dialed.
- (6) Prepaid calling card (Card)—Any object containing an access number and authorization code that enables an end user to use PPCS. This includes, but is not limited to, retail, utility, promotion and collectible calling cards.

*AUTHORITY: sections 386.040, 386.250 and 392.200, RSMo 2000. Original rule filed Dec. 29, 2000.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT  
COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102, (573) 751-3234. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. Comments should refer to Case No. TX-2001-73, and be filed with an original and nine copies. A public hearing is scheduled for March 16, 2001, at 9:00 a.m. in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, for interested persons to appear and respond to Commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211, or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT**

**Division 240—Public Service Commission  
Chapter 32—Telecommunications Service**

**PROPOSED RULE**

**4 CSR 240-32.150 Qualifications for and Responsibilities of the  
Prepaid Calling Services**

*PURPOSE: This rule establishes the qualifications for and the responsibilities of the PPCS company.*

- (1) A company shall not provide prepaid calling services (PPCS) without first obtaining a certificate of service authority to provide interexchange telecommunications services and having an approved tariff on file at the commission.
- (2) The company name used on prepaid calling cards shall be identical to the name in which the certificate/tariff is issued.
- (3) A "doing business as" (d/b/a) name may be used on all prepaid calling cards if the d/b/a is registered with the Missouri Secretary of State as a fictitious name and the d/b/a is reflected on the certificate and the tariff prior to providing the service.

*AUTHORITY: sections 386.040, 386.250 and 392.200, RSMo 2000. Original rule filed Dec. 29, 2000.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT  
COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102, (573) 751-3234. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. Comments should refer to Case No. TX-2001-73, and be filed with an original and nine copies. A public hearing is scheduled for March 16, 2001, at 9:00 a.m. in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, for interested persons to appear and respond to Commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211, or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT**

**Division 240—Public Service Commission  
Chapter 32—Telecommunications Service**

**PROPOSED RULE**

**4 CSR 240-32.160 Customer Disclosure Requirements**

*PURPOSE: This rule establishes customer disclosure requirements.*

- (1) Company shall provide the following information to the customer before purchase. The information may be disclosed on the prepaid calling card, prepaid calling card packaging, visible display at the point of sale or in the presale document.
  - (A) The certificated name of the company providing prepaid calling services (PPCS) as provided for by 4 CSR 240-32.150.
  - (B) The domestic rate or an appropriate method for the user to calculate the per minute domestic rate plus all applicable surcharges or taxes and any added relevant variables.
  - (C) A statement that the charges outlined in subsection (1)(B) above have the effect of reducing the value of the prepaid calling card by increasing the effective per minute rate of the call.
  - (D) Any expiration policy.

(2) Company shall disclose the following information to the customer, either on the prepaid calling card or through an insert, after purchase.

(A) The certificated name of the company providing PPCS as provided for by 4 CSR 240-32.150.

(B) A toll-free customer service number.

(C) A toll-free network access number.

(D) An authorization code, if required to access the network.

(E) The domestic rate or an appropriate method for the service user to calculate the domestic cost per minute plus all applicable surcharges or taxes and any added relevant variables.

(F) A statement that the charges outlined in subsection (1)(B) above have the effect of reducing the value of the prepaid calling card by increasing the effective per minute rate of the call.

(G) Any expiration date.

(3) The company must ensure by contract with its retailers or distributors that the disclosure information is provided to the customer.

(4) Each company shall provide a live operator to answer all incoming calls 24 hours a day, 7 days a week; and/or, each company shall electronically voice-record end user complaints. If an electronic voice-recorder is used:

(A) The company shall attempt to contact each complainant no later than the next business day following the date of the recording.

**AUTHORITY:** sections 386.040, 386.250 and 392.200, RSMo 2000. Original rule filed Dec. 29, 2000.

**PUBLIC COST:** This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

**PRIVATE COST:** This proposed rule will not cost private entities more than \$500 in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102, (573) 751-3234. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. Comments should refer to Case No. TX-2001-73, and be filed with an original and nine copies. A public hearing is scheduled for March 16, 2001, at 9:00 a.m. in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, for interested persons to appear and respond to Commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211, or TDD Hotline 1-800-829-7541.

#### Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

##### Division 240—Public Service Commission Chapter 32—Telecommunications Service

#### PROPOSED RULE

##### 4 CSR 240-32.170 Standards for Prepaid Calling Service

**PURPOSE:** This rule establishes standards for prepaid calling services.

(1) The company shall not reduce the value of a service by more than the charges printed on the card, packaging, visible display at the point of sale or in any presale documentation.

(2) Service may be recharged by the customer at a rate higher than the rate at initial purchase or last recharge. The higher rate and surcharges shall be no more than the rates and surcharges in the tariff and the customer shall be informed of the higher charges at the time of recharge.

(3) Increments charged to the prepaid calling card shall be expressed in minutes of use, or fractions thereof.

(4) Each company shall ensure that a minimum of 98% of all call attempts shall be completed to the called party. Company will not charge for incomplete calls.

(5) Each company shall only charge for conversation time plus applicable disclosed surcharges. Conversation time begins when the called party answers the call and ends when either party terminates the call.

(6) When a company ceases operations in the state of Missouri, the company must:

(A) Provide the commission with 30 days advance notice in writing and include proof of customer notification.

(B) At least 30 days before termination, provide written notice to customers at the address on file with the company, if applicable, indicating that service will be ending and explain how customers may receive a refund on any unused service.

(C) Beginning at least 15 days before termination, provide oral notice of termination at the beginning of each call originated in Missouri, including the date of termination and a toll-free number to call for more information.

(D) Provide information to customer via its customer service number and the toll-free number outlining the procedure for obtaining refunds and continue to provide this information for 60 days from the date the company ceases operations in Missouri.

(7) Each company shall have a refund policy that meets the following minimum requirements:

(A) If a company is no longer able to provide service and the prepaid calling card is deemed no longer usable and has not exceeded the expiration period of the card, the company shall provide a refund to the customer in an amount equal to the value remaining on the account.

(B) Refunds may be cash or replacement service, at the company's option. The company must provide the refund to the customer within 60 days of notification by the customer.

(8) Conversation time of less than a full minute shall be rounded up no more than one full minute.

(9) Services without a specific expiration period printed on the card, and with a balance remaining, shall be considered active for a minimum of one year from the date of first use, or if recharged one year from the date of the last recharge.

(10) Each company shall be responsible for ensuring, either through its contracts with other telecommunications companies, distributors, or marketing agents, that prepaid services remain usable in accordance with this rule.

(11) All services sold in Missouri must comply with 4 CSR 240-32.130 through 4 CSR 240-32.170 six months after the effective date of the rules.

**AUTHORITY:** sections 386.040, 386.250 and 392.200, RSMo 2000. Original rule filed Dec. 29, 2000.

**PUBLIC COST:** This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

**PRIVATE COST:** This proposed rule will not cost private entities more than \$500 in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102, (573) 751-3234. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. Comments should refer to Case No. TX-2001-73, and be filed with an original and nine copies. A public hearing is scheduled for March 16, 2001, at 9:00 a.m. in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, for interested persons to appear and respond to Commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211, or TDD Hotline 1-800-829-7541.

**Title 8—DEPARTMENT OF LABOR AND  
INDUSTRIAL RELATIONS  
Division 10—Division of Employment Security  
Chapter 4—Unemployment Insurance**

**PROPOSED AMENDMENT**

**8 CSR 10-4.080 Joint Accounts.** The division proposes to amend sections (3), (4), (5), (6), and (12).

**PURPOSE:** This amendment clarifies when an applicant-employer can file an application to participate in a joint account. Current wording in section (3) allows an applicant-employer to file an application "at any time." Section (8) of this regulation states a joint account will be maintained only on a calendar-year basis. To make a comprehensible correlation between sections (3) and (8), the division proposes to amend section (3) and proposes to amend sections (4), (5), (6), and (12) to correct language usage.

(3) Any application to participate in a joint account [may] must be filed [at any time, provided, however,] by the first day of April of the calendar year in which the applicant-employer's membership in the joint account is to become effective. In addition, all contributions, interest and penalties due from the applicant-employer must be paid prior to the [effective date of] division approving the applicant-employer's membership in the joint account.

(4) All such applications shall be accepted only on the condition that the applicant waives all rights [s/he has in his/her] to its individual employer account under the law when the division approves [his/her] the application and merges [his/her] its individual account in a joint account for experience rating purposes.

(5) Each applicant-employer shall agree to assume joint and several liability for any contributions, interest and penalties accruing on the part of any one [(1)] of the employers participating in the joint account during the duration of the account in consideration for the division granting [him/her] the applicant-employer the right to participate in it.

(6) Each employer participating in a joint account agrees to maintain a sufficient record of [his/her] its own employment in order that [s/he] the employer can furnish the division with information necessary to enable the division to make proper certification to the

Bureau of Internal Revenue of the United States Treasury under the Federal Unemployment Tax Act and to enable the division to determine any benefit charges against [his/her] the separate account.

(12) Participation in a joint account shall not affect the right of any employer to terminate [his/her] its liability, but after termination, the employer, in all respects, shall be treated as a withdrawing employer under this rule.

**AUTHORITY:** section 288.220, RSMo [Supp. 1997] 2000. Original rule filed Sept. 30, 1946, effective Oct. 10, 1946. Amended: Filed June 20, 1951, effective July 1, 1951. Amended: Filed Nov. 21, 1975, effective Dec. 1, 1975. Amended: Filed July 10, 1998, effective Dec. 30, 1998. Amended: Filed Dec. 28, 2000.

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

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

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Division of Employment Security, Attn: Marilyn Hutcherson, Director, PO Box 59, Jefferson City, MO 65104-0059. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 8—DEPARTMENT OF LABOR AND  
INDUSTRIAL RELATIONS  
Division 60—Missouri Commission on Human Rights  
Chapter 3—Guidelines and Interpretations of  
Employment Anti-Discrimination Laws**

**PROPOSED AMENDMENT**

**8 CSR 60-3.040 Employment Practices Related to Men and Women.** The commission proposes to amend section (17).

**PURPOSE:** This proposed amendment is to clarify and to bring the rule in line with the federal standard for employer liability for sexual harassment by supervisors.

(17) Harassment on the basis of sex is a violation of Chapter 213, RSMo.

(C) Applying general principles of Chapter 213, RSMo, an employer, employment agency, joint apprenticeship committee or labor organization (hereinafter collectively referred to as employer) is responsible for its acts and those of its agents, employees and supervisory employees with respect to sexual harassment regardless of whether the specific acts complained of were authorized or even forbidden by the employer [and regardless of whether] if the employer knew or should have known of their occurrence. [The commission will examine the circumstances of the particular employment relationship and the job functions performed by the individual in determining whether an individual acts in either a supervisory or agency capacity.]

(D) An employer is subject to vicarious liability to a victimized employee with respect to sexual harassment by a supervisor with immediate (or successively higher) authority over an employee or other supervisor who the employee reasonably believes has the ability to significantly influence employment decisions affecting him or her even if the harasser is outside the employee's chain of command.

1. When no tangible employment action is taken, an employer may raise an affirmative defense to liability or damages, subject to proof by a preponderance of the evidence. The

**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 30<sup>th</sup> day of Jan. 2001.



*Dale Hardy Roberts*

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