

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
March 26, 2002**

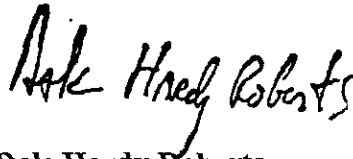
CASE NO: TX-2002-443

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 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, slightly slanted style.

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

Uncertified Copies:

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service
Commission held at its office in
Jefferson City on the 26th day of
March, 2002.

In the Matter of a Proposed Amendment to
Rule 4 CSR 240-31.050 – Missouri
Universal Service Fund Eligibility

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)

Case No. TX-2002-443

ORDER FINDING NECESSITY FOR RULEMAKING

On January 25, 2001, in Case No. TO-98-329, the Staff of the Commission, on behalf of all the parties to that case, filed a proposal for the low income/disabled portion of the Missouri Universal Service Fund. Staff identified several rule changes and additions necessary to implement this proposal. There are no disputed issues among the parties to Case No. TO-98-329 regarding the need for and structure of a low income/disabled fund. In its Report and Order Establishing Low Income/Disabled Fund in Case No. TO-98-329, the Commission adopted the proposal. The parties identified the following changes to 4 CSR 240-31.050 as necessary to implement the low income/disabled portion of the fund:

(3)(D) Customers who qualify for low income or disabled support shall certify in writing on an application designed for that purpose that they are eligible for the programs. Such application shall require the applicant to certify under penalty of perjury that the consumer receives benefits from one of the qualifying programs and identify the program or programs from which that consumer receives benefits. On the same document, a qualifying low-income or disabled consumer also must agree to notify the carrier if that consumer ceases to participate in the program or programs. The companies shall rely upon this certification to provide the benefits under these programs until the customer advises the company that they are no longer qualified or until the

company is advised by the Administrator that the customer may not be eligible.

(3)(E) Any eligible customer submitting an application within sixty days of initiating service will be entitled to the applicable low-income or disabled discounts from the date of service initiation. If applicable, the company may provide either a refund or credit, as determined by the company. Any eligible customer submitting an application after sixty days of initiating service will begin receiving the appropriate discounts on a prospective basis.

(F) The Fund Administrator shall be authorized by the Board to conduct audits of individual self-certification using records that can be lawfully made available from the administrators of qualifying programs. If as a result of these audits, the Administrator determines that a recipient may not be eligible for low income or disabled support, the customer shall be required to verify his eligibility for continuing to receive support pursuant to administrative procedures established by the Fund Administrator and approved by the Board.

(4) Determining Participation for Essential Telecommunications Service: The amount of support provided by the MoUSF for services to low-income customers and disabled customers will be set at the level necessary pursuant to Federal Universal Service Fund rules to gain the maximum Federal Universal Service funding for services for such customers. However, the amount of combined federal and state lifeline support for any customer will not exceed the sum of the federal Subscriber Line Charge (SLC) and the recurring charges for essential local telecommunications services (including the basic service rate, touch calling charge, extended area service additive, and mileage additives, if any).

[Added language shown in bold.]

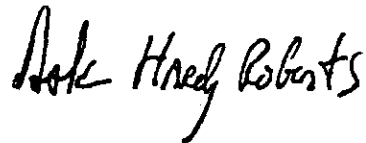
Pursuant to Section 536.016, RSMo 2000, a state agency is required to find, based upon substantial evidence on the record, that a proposed rule is necessary to carry out the purposes of the statute that granted the rulemaking authority. Based upon its findings in Case No. TO-98-329, incorporated herein by reference, the Commission finds that changes to the Missouri Universal Service Fund rule (specifically, 4 CSR 240-31.060) are necessary to carry out the purposes of Section 386.210 *et seq.* and Section 392.010 *et seq.*, RSMo 2000.

IT IS THEREFORE ORDERED:

1. That the Staff of the Missouri Public Service Commission is directed to proceed expeditiously with the necessary procedures of the Commission and applicable procedures of administrative rulemaking toward the end of the Commission promulgating the rule changes discussed herein.

2. That this order shall become effective on April 5, 2002.

BY THE COMMISSION



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

(SEAL)

Simmons, Ch., Lumpe, Gaw and Forbis, CC., concur
Murray, C., absent

Mills, Deputy Chief Regulatory Law Judge

ALJ/Secretary: Mills/B

3-19
Date Circulated

TX-2002-443
CASE NO.

KS
Simmons, Chair

cm - absent
Murray, Commissioner

SL
Lumpe, Commissioner

7/6/3 - Should this be done before the board meeting?
Gaw, Commissioner

MR
Forbis, Commissioner

3-26
Agenda Date

Action taken: 4-0 AS

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 26th day of March 2002 .

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

