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access to them. The language of this section of the rule was not changed from the current rule which was promulgated in 1977 and the Commission intends to keep its current practice the same as it has been since this rule was originally promulgated in 1977. The Commission finds that no change is necessary to this rule as a result of the comments.

COMMENT: One written comment was received that suggested that section (4) be amended so that last part of the sentence reads, "shall file with the Commission a statement of such compliance."
RESPONSE: The Commission made only minor technical changes to section (4) from the current rule as promulgated in 1977. The Commission finds that the rule does not need further clarification and no changes are necessary as a result of the comment.

COMMENT: One written comment was received which suggested that section (4) be amended to allow the time frame for compliance with Chapter 33 to be more flexible. The commenter suggested that its company could take as long as 2,000 working days to comply with the billing changes in Chapter 33. The commenter suggested that section (4) be written as follows: (4) All telecommunications companies shall submit a compliance plan to implement all requirements of this chapter within three (3) weeks after the effective date of this rule and shall also notify the commission when such compliance plan has been implemented.
RESPONSE: The Commission finds that six months is a reasonable amount of time for compliance with the new provisions of Chapter 33. Furthermore, the Commission finds that the proposed six month compliance period will be consistent with other rules of the Commission. Finally, the Commission notes that 4 CSR 240-2.060(11) sets out the procedure by which the company may request a variance from the Commission's rules.

COMMENT: One written comment was received which suggested that the changes to rule .010 were appropriate and that the six months allowed for compliance in section (4) was a reasonable amount of time. The commenter also stated that six months is consistent with a similar provision in 4 CSR 240-32.
RESPONSE: The Commission agrees with the commenter and finds that no changes to the proposed rule are necessary as a result of this comment.

COMMENT: One general written comment to rule .010 was received. That comment suggested that new rules on cramming and the privacy rights of customers be added to this chapter.
RESPONSE: The Commission finds that it is not appropriate to add additional rules during this rulemaking proceeding. However, the Commission notes the suggestions for future rulemaking and suggests that the commenter make any proposals for additional rules under the procedures set forth in 4 CSR 240-2.180.

4 CSR 240-33.010 General Provisions

(2) A telecommunications company shall not discriminate against a customer or prospective customer for exercising any right granted by any commission rule.

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Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telephone Utilities

TX-2000-162

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.040, RSMo 1994, and 386.250 and 392.200, RSMo Supp. 1999, the commission rescinds a rule as follows:

4 CSR 240-33.020 Definitions is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2347-2348). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: This rescission was proposed in conjunction with a replacement proposed rule. The comments received were directed to the proposed rule.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telecommunications Companies

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.040, RSMo 1994, and 386.250 and 392.200, RSMo Supp. 1999, the commission adopts a rule as follows:

4 CSR 240-33.020 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2348-2350). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One written comment each to sections (9), (12), (13), (15), (16), (21) and (24) were received. Two written comments each were received to sections (5), (7), (20), and (23). One general written comment was received which resulted in a new section (20) being added. A hearing to receive public comments on this rule was held on November 15, 1999. No comments on this rule were given at the hearing.

COMMENT: One written comment was received which suggested that the definition of Bill Insert or Insert contained in section (4) be clarified. The commenter suggested that the definition be amended to exclude promotional materials, advertisements, or solicitations for service or products.
RESPONSE: The Commission rules which discuss bill inserts as defined by section (4) only address what must be included as a bill insert. Those rules do not address what cannot be included as a bill insert. Therefore, the Commission finds that this rule need not be amended to exclude promotional materials, advertisements, or solicitations. The Commission determines that no change to this rule is necessary as a result of this comment.

COMMENT: One written comment was received which indicated that section (4) should be amended to reflect the use of electronic billing.
RESPONSE AND EXPLANATION OF CHANGE: The Commission agrees with the commenter that the rules should apply to electronic notices which are attached to electronic bills sent to the customers. Therefore the Commission finds that section (4) should be amended to include electronic notices.

COMMENT: One written comment explains that the definition of "service," which is included in the current rules, was not included in these proposed rules. The commenter notes that the result of excluding this definition is that the rules in this chapter will be applicable to both residential and business customers. As the

commenter points out, the previous Chapter 33 rules had applied only to residential customers. The commenter supports the Commission's proposal that this rule apply to both residential and business customers.
RESPONSE: The Commission disagrees with the commenter. The Commission finds that Chapter 33 deals with only residential customers; therefore, the Commission will amend proposed section (7). No changes to this proposed rule are required as a result of this comment.

COMMENT: One written comment suggested that section (7) be amended to exclude all business and government entities. The commenter suggests that business entities do not need the protections of Chapter 33 and that these regulations may actually limit some businesses choices as to billing and settlement procedures.
RESPONSE AND EXPLANATION OF CHANGE: The Commission finds that this rule should only apply to residential customers. Therefore, the Commission will amend proposed section (7) to clarify that a customer is only an individual.

COMMENT: One written comment suggested that section (9) should be amended to define a deposit as a money advance for the purpose of securing payment for telecommunications service rather than for securing payment of delinquent charges. The commenter states that with the expansion of services offered by telecommunications companies that the deposits should only be applicable to charges for telecommunications services.
RESPONSE AND EXPLANATION OF CHANGE: The Commission agrees with the commenter and finds that section (9) of the proposed rule should be amended as suggested.

COMMENT: One written comment suggested that the definition in section (12) "should be expanded to include a customer's claim that a charge is in error, unlawful, improper, excessive, or otherwise is improper or for service which were not ordered or authorized by the customer."
RESPONSE: The definition as proposed uses the broad language of "unresolved inquiry" whereas, the language suggested by the commenter, may actually limit the definition rather than expand it. Therefore, the Commission finds that no changes to the proposed rule are required as a result of the comment.

COMMENT: One written comment suggested that section (13) be amended to include electronic inquiries.
RESPONSE AND EXPLANATION OF CHANGE: The Commission agrees with the commenter and finds that the rule should be amended to include electronic means of communication.

COMMENT: One written comment was received which suggested that section (15) be moved so that the definition of "Access Line" be in alphabetical order in the definitions section.
RESPONSE AND EXPLANATION OF CHANGE: The Commission finds that the definitions should be in alphabetical order and will therefore move the definition of "Access Line" and renumber the sections accordingly.

COMMENT: A written comment was received which suggested that the definition of new customer in section (16) should be amended from a customer who has "no prior credit history" to one who has "no prior service history."
RESPONSE AND EXPLANATION OF CHANGE: The Commission finds that the suggested amendment is reasonable. This rule is intended to focus on the customer's service history, not the customer's credit history. Therefore, the Commission will amend section (16).

COMMENT: One written comment suggested that the term "Prospective Customer" which is used in rule 33.010(2) should be defined.
RESPONSE AND EXPLANATION OF CHANGE: The Commission finds that this term should be defined and will therefore amend the proposed rule to include a definition of "Prospective Customer" and renumber the remaining sections accordingly.

COMMENT: Two written comments were received indicating that section (20) should be amended to allow for methods of rendition of bills other than by regular U.S. mail. The commenters stated that some companies have made arrangements with their customers to send bills electronically and that the rule should reflect this practice.
RESPONSE AND EXPLANATION OF CHANGE: The Commission finds that the commenters' suggestions are reasonable and that the proposed rule should be amended to include bills which have been sent electronically to customers.

COMMENT: One written comment suggested that the definition of "Settlement Agreement" in section (21) should be changed to be more consistent with the definition in 4 CSR 240-13.010(1)(U) which pertains to the service and billing practices for residential customers of other utilities.
RESPONSE AND EXPLANATION OF CHANGE: The Commission agrees with the commenter and will amend section (21) to provide a consistent definition with other chapters of the Commission's rules.

COMMENT: Two written comments were received which stated that the proposed rules update the Commission's rules by inserting the term "telecommunications companies" where telephone utilities had been used in the past. The commenters also suggested that section (22) should be updated by replacing "communications company" with "telecommunications company."
RESPONSE AND EXPLANATION OF CHANGE: The Commission finds that the suggested change should be made so that the language of the rules remains consistent.

COMMENT: One written comment suggested that the Commission define a "business day" as "any day on which the company's business office is open and regular U.S Mail is delivered.
RESPONSE: The Commission finds that this chapter of rules as proposed no longer uses the term "business day" and therefore that term need not be defined. Therefore, the Commission finds that no changes to the rule as proposed are necessary as a result of this comment.

4 CSR 240-33.020 Definitions

(1) Access line is the line associated with each service location to which a unique telephone number is assigned.

(2) Advance payment is money received by a telecommunications company from a customer for the purpose of securing payment of future charges accrued by a customer.

(3) Basic local telecommunications service is basic local telecommunications service as defined in section 386.020(4), RSMo Supp. 1998.

(4) Bill is a written or electronic demand for payment for service or equipment and the taxes, assessments, and franchise fees related thereto.

(5) Bill insert or insert is a written or electronic notice which is enclosed with or attached to a bill.

(6) Billing period is a normal usage period of not less than twenty-eight (28) nor more than thirty-one (31) days.

(7) Complaint is a complaint as defined in 4 CSR 240-2.070.

(8) Customer is any individual that accepts financial and other responsibilities in exchange for telecommunications service.

(9) Delinquent account is an account which has undisputed charges that are not paid in full by the due date.

(10) Deposit is a money advance to a telecommunications company for the purpose of securing payment for telecommunications services.

(11) Discontinuance of service or discontinuance is a cessation of service not requested by a customer.

(12) Guarantee is a written promise from a responsible party to assume liability.

(13) In dispute is any matter regarding a charge or service which is the subject of an unresolved inquiry.

(14) Inquiry is any written, electronic or oral comment or question regarding a charge or service.

(15) Letter of agency is a letter or other document sent by a customer to a telecommunications company authorizing the telecommunications company to change the telecommunications service provider for that customer.

(16) New customer is any customer who has no prior service history with the telecommunications company with whom service is being requested.

(20) Prospective customer is any individual with whom or by whom service is being requested.

(21) Rendition of a bill is the date a bill is mailed, posted electronically or otherwise sent to a customer.

(22) Settlement agreement is an agreement between a customer and a telecommunications company which resolves any matter in dispute between the parties or provides for the payment of undisputed charges over a period longer than the customer's normal billing period.

(23) Tariff is a statement by a telecommunications company that sets forth the services offered by that company, and the rates, terms and conditions for the use of those services.

(24) Telecommunications company is a telephone corporation as defined in section 386.020(51), RSMo Supp. 1998.

(25) Termination of service or termination is a cessation of service requested by a customer.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telephone Utilities

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250(11), RSMo Supp. 1999, the commission rescinds a rule as follows:

4 CSR 240-33.040 Billing and Payment Standards is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2351). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: This rescission was proposed in conjunction with a replacement proposed rule. The comments received were directed to the proposed rule.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telecommunications Companies

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 386.040, RSMo 1994, and 386.250 and 392.200, RSMo Supp. 1999, the commission adopts a rule as follows:

4 CSR 240-33.040 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2351–2354). Those sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One written comment was received to each of section (1), subsections (6)(C), subsection (6)(D), and subsection (6)(I). Two written comments were received to each of sections (3) and (4). Three written comments were received to section (2). Three written comments and one oral comment at the public hearing were received to section (5). Two written comments were received to subsection (6)(A). Two written comments and one oral comment at the public hearing were received to subsection (6)(F). Four written comments and one oral comment at the public hearing were received to subsection (6)(J). Comments regarding the rule in general were received in writing and orally at the public hearing.

COMMENT: One written comment suggested that section (1) of the rule require the company to render a bill to each customer for each billing period.
RESPONSE: The Commission has included in section (1) of the proposed rule a requirement that a bill be rendered for each billing period except when the bill has a zero balance. The commenter stated no reason why a company should be required to render a bill to a customer in months when there is no balance outstanding. The Commission finds that no changes to this proposed rule are required as a result of this comment.

COMMENT: One written comment was received suggesting that section (2) be amended to include the following: Billing cycles may be altered if the affected customers are sent an insert or other written notice explaining the alteration not less than thirty (30) days prior to the effective date of the alteration. This notification is not required when a customer requests a number change or when the customer disconnects and reconnects service or transfers service from one (1) premise to another. The commenter believes this change would allow the companies flexibility to change the billing cycle which exists under the current rule.
RESPONSE: The Commission finds that the rule as proposed may be inflexible in that it only allows customer bills to be rendered on

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION