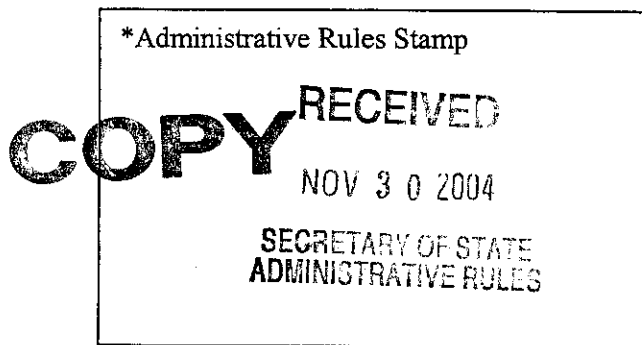


MATT BLUNT

**Secretary of State
Administrative Rules Division
RULE TRANSMITTAL**



A "SEPARATE" rule transmittal sheet **MUST** be used for EACH individual rulemaking.

A. Rule Number 4 CSR 240-29.120
 Diskette File Name Proposed Rule 29.120
 Name of person to call with questions about this rule:
 Content Keith Krueger Phone 573-751-4140 FAX 573-751-9285
 Data entry Lesli Belt Phone 573-751-7499 FAX Same as above
 Email address keith.krueger@psc.mo.gov
 Interagency mailing address Governor Office Building, 200 Madison St., 8th Floor, Jefferson City, MO
 Statutory Authority 386.040 Current RSMo date 2000
386.250 2003
 Date filed with the Joint Committee on Administrative Rules Exempt per Sections 536.024 and
536.037, RSMo 2000, and Executive Order No. 97-97 (June 27, 1997)

B. CHECK, IF INCLUDED:

- | | |
|--|---|
| <input checked="" type="checkbox"/> This transmittal completed | <input type="checkbox"/> Incorporation by reference materials, if any |
| <input checked="" type="checkbox"/> Cover letter | <input type="checkbox"/> Authority with history of the rule |
| <input checked="" type="checkbox"/> Affidavit | <input type="checkbox"/> Public cost |
| <input type="checkbox"/> Forms, number of pages <u> </u> | <input type="checkbox"/> Private cost |
| <input type="checkbox"/> Fiscal notes | <input type="checkbox"/> Hearing and comment period |

C. RULEMAKING ACTION TO BE TAKEN

- ☐ Emergency rulemaking, (check one) ☐ rule ☐ amendment ☐ rescission ☐ termination
MUST include effective date
- ☒ Proposed Rulemaking (check one) ☒ rule ☐ amendment ☐ rescission
☐ Order of Rulemaking (check one) ☐ rule ☐ amendment ☐ rescission ☐ termination
MUST complete page 2 of this transmittal
- ☐ Withdrawal (check one) ☐ rule ☐ amendment ☐ rescission ☐ emergency
☐ Rule action notice
☐ In addition
☐ Rule under consideration

D. SPECIFIC INSTRUCTIONS: Please indicate any special instructions (e.g., publication date preference, identify material to be incorporated by reference, or forms included herein).

JCAR Stamp

NOTE: ALL changes MUST be specified here in order for those changes to be published in the *Missouri Register* and the *Code of State Regulations*.

Add additional sheet(s), if more space is needed.



Commissioners

STEVE GAW
Chair

CONNIE MURRAY

ROBERT M. CLAYTON III

JEFF DAVIS

LINWARD "LIN" APPLING

Missouri Public Service Commission

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

ROBERT J. QUINN, JR.
Executive Director

WESS A. HENDERSON
Director, Utility Operations

ROBERT SCHALLENBERG
Director, Utility Services

DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE
General Counsel

November 30, 2004

Mr. Matt Blunt
Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Blunt,

RE: 4 CSR 240-29.120 Blocking Traffic of Originating Carriers and/or Traffic Aggregators by Transiting Carriers

CERTIFICATION OF ADMINISTRATIVE RULE

I hereby certify that the attached is an accurate and complete copy of the proposed rule lawfully submitted by the Missouri Public Service Commission for filing on this 30th day of November 2004.


The Missouri Public Service Commission has determined and hereby certifies that this proposed rule will not have an economic impact on small businesses. The Missouri Public Service Commission also certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017 RSMo 2000 and that this proposed rule does not constitute a taking of real property under relevant state and federal law.

Statutory Authority: Sections 386.040 and 386.250.

If there are any questions, please contact:

Keith Krueger, Deputy General Counsel
P.O. Box 360
Jefferson City, MO 65102
(573) 751-4140, FAX (573) 751-9285
keith.krueger@psc.mo.gov

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Dale Hardy Roberts', is written over the text 'BY THE COMMISSION'.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

**Title 4—DEPARTMENT OF
ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 29 – Enhanced Record Exchange Rules**

PROPOSED RULE

4 CSR 240-29.120 Blocking Traffic of Originating Carriers and/or Traffic Aggregators by Transiting Carriers

PURPOSE: The purpose of this rule is to establish parameters and procedures enabling transiting carriers to block traffic of originating carriers and/or traffic aggregators who fail to comply with rules pertaining to LEC-to-LEC traffic.

- (1) In all instances of traffic blocking, originating carriers and traffic aggregators may utilize alternative methods of delivering the blocked traffic to terminating carriers. Such methods may include interconnection agreement negotiations for transiting traffic, direct interconnection with terminating carriers, or contracting with interexchange carriers for traffic delivery.
- (2) A transiting carrier may block any or all LEC-to-LEC traffic it receives from an originating carrier and/or traffic aggregator who fails to fully compensate the transiting carrier or who fails to deliver originating caller identification to the transiting carrier. Additionally, the transiting carrier may block any or all additional LEC-to-LEC traffic it receives from an originating carrier and/or traffic aggregator who fails to compensate the transiting carrier for the costs associated with establishing blocking arrangements made pursuant to this rule, whether or not such blocking actually occurred.
- (3) The transiting carrier shall provide all affected carriers, including, but not limited to, the originating carrier and/or traffic aggregator, and the manager of the telecommunications department of the MoPSC, written notice by certified mail at least thirty (30) days prior to implementing blocking. Such notification shall clearly indicate the reason(s) for certain traffic to be blocked, the date the traffic block will begin, an explanation of what action the originating carrier and/or traffic aggregator should take to prevent any traffic from being blocked, when this corrective action must be completed, and the person to contact to obtain further information. Such notice shall also clearly indicate that the blocking will be done pursuant to rules of the MoPSC. The originating carrier and/or traffic aggregator shall compensate the transiting carrier for any blocking preparation and/or implementation work performed to implement blocking, even if blocking is ultimately not implemented. Such blocks will not be instituted on weekends or holidays, or on a day immediately preceding a weekend or holiday.
- (4) Upon receipt of notice that its traffic is subject to blocking, a wireline carrier shall determine whether to use alternate means of delivering the traffic that is subject to blocking. If the wireline carrier elects not to use an alternate means of delivering the traffic, the wireline carrier shall, within fifteen (15) days after receipt of notice, notify all potentially affected end users in writing that calls to affected NPA-NXXs may be blocked. A copy of such written notification shall be provided to the manager of the telecommunications department of the

MoPSC. In lieu of such customer notification, the originating carrier and/or traffic aggregator may proceed according to sections (5) and (6) following.

(5) If an originating carrier and/or traffic aggregator disputes a proposal where some or all of its LEC-to-LEC traffic would be blocked by a transiting carrier, the originating carrier and/or traffic aggregator should immediately seek formal action by the commission through the filing of a formal complaint. Such a complaint shall provide all relevant evidence refuting any stated reasons for blocking such traffic. Such complaint shall include a request for expedited resolution.

(6) If an originating carrier and/or traffic aggregator files a formal complaint, the transiting carrier will cease blocking, pending the commission's decision. In all instances of blocking by a transiting carrier, the costs associated with blocking shall be borne by the originating carrier and/or traffic aggregator.

(7) It is recognized that, at the time of call placement, transiting carriers cannot distinguish UNE-P traffic from the traffic of the incumbent whose facilities are being utilized by the UNE-P provider. Transiting carriers who desire to block UNE-P traffic shall file a formal complaint with the commission seeking such blockage. All such formal complaints shall name the relevant UNE-P provider as well as the incumbent carrier whose facilities are being used to provide UNE-P service. All such formal complaints shall be filed pursuant to the commission's procedures for filing formal complaints, and shall set forth complete details including, but not limited to, any violation of commission rules or Missouri statutes alleged to have occurred. Such formal complaint shall also state what action and relief the complainant seeks from the commission. Such requested relief may include complete blockage of the UNE-P provider's service by the incumbent local exchange carrier whose facilities are being used. All such formal complaints shall request expedited consideration.

AUTHORITY: sections 386.040 and 386.250, RSMo 2000. Original rule filed November 30, 2004.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$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 of the Commission, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before February 2, 2005, and should include a reference to commission Case No. TX-2003-0301. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.state.mo.us/efis.asp>. A public hearing regarding this proposed rule is scheduled for February 9, 2005, at 10:00 a.m. in Room 310 of the Governor

Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to 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 (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

AFFIDAVIT

STATE OF MISSOURI)
)
COUNTY OF COLE)

I, Anne Walker, Deputy Director of the Department of Economic Development, first being duly sworn on my oath state that it is my opinion that the cost of the **Proposed Rule 4 CSR 240-29.120, Blocking Traffic of Originating Carriers and/or Traffic Aggregators by Transiting Carriers** is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

Anne C Walker

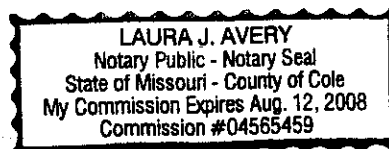
Anne Walker
Deputy Director
Department of Economic Development

Subscribed and sworn to before me this 4th day of November, 2004.

I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on August 12, 2008.

Laura J Avery

NOTARY PUBLIC





Matt Blunt
Secretary of State

Administrative Rules Division
Rulemaking Transmittal Receipt

Rule ID: 2114
Date Printed: 11/30/2004
Rule Number: 4 CSR 240-29.120
Rulemaking Type: Proposed Rule
Date Submitted to Administrative Rules Division: 11/30/2004
Date Submitted to Joint Committee on Administrative Rules:

Name of Person to Contact with questions concerning this rule:

Content: Keith Krueger	Phone: 751-4140	Email: keith.krueger@psc.mo.gov	Fax:
RuleDataEntry: Lesli Belt	Phone: 751-7499	Email: keith.krueger@psc.mo.gov	Fax:

Included with Rulemaking:

Cover Letter	11/30/2004
Affidavit for public cost	11/30/2004

