

MATT BLUNT

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

*Administrative Rules Stamp

COPY

NOV 8 2004
SECRETARY OF STATE
ADMINISTRATIVE RULES

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

A. Rule Number 4 CSR 240-29.130
 Diskette File Name Proposed Rule 29.130
 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).

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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 240-29.130 Requests of Terminating Carriers for Originating Tandem Carriers to Block Traffic of Originating Carriers and/or Traffic Aggregators

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.

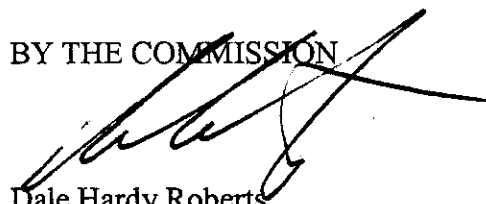
The Missouri Public Service Commission has determined and hereby certifies that this proposed rule will not have an economic impact on small businesses. The Missouri Public Service Commission also certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant 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", written over the printed name.

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 240-29.130 Requests of Terminating Carriers for Originating Tandem Carriers to Block Traffic of Originating Carriers and/or Traffic Aggregators

PURPOSE: The purpose of this rule is to establish parameters and procedures for terminating carriers to request that originating tandem carriers block traffic of originating carriers and/or traffic aggregators who fail to comply with rules pertaining to traffic traversing the LEC-to-LEC network.

- (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 with terminating carriers for transiting traffic, direct interconnection with terminating carriers, or contracting with interexchange carriers for traffic delivery.
- (2) A terminating carrier may request the originating tandem carrier to block, and upon such request the originating tandem carrier shall block, the originating carrier's LEC-to-LEC traffic, if the originating carrier has failed to fully compensate the terminating carrier for terminating compensable traffic, or if the originating carrier has failed to deliver originating caller identification to the transiting and/or terminating carriers.
- (3) If the traffic aggregator has failed to deliver originating caller identification to the transiting and/or terminating carrier, a terminating carrier may request the originating tandem carrier to block, and upon request the originating tandem carrier shall block, the traffic aggregator's LEC-to-LEC traffic.
- (4) The terminating carrier shall provide all affected carriers, including but not limited to, the originating carrier and/or traffic aggregator, the transiting carrier, and the manager of the telecommunications department of the commission, written notice by certified mail at least thirty (30) days prior to the date the terminating carrier requests blocking to occur. Such notification shall clearly indicate the reason(s) for certain traffic to be blocked, the date the traffic is requested to be blocked, 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 terminating carrier shall compensate the originating tandem carrier for any blocking preparation and/or implementation work performed to implement blocking, even if blocking is ultimately not implemented.

(5) Following notification pursuant to section (4) above, and upon written request by a terminating carrier, the originating tandem carrier will be required to block LEC-to-LEC traffic of an originating carrier and/or traffic aggregator to the terminating carrier. Such requests shall be based on the terminating carrier's representation that the originating carrier and/or traffic aggregator has failed to fully compensate the terminating carrier for terminating compensable traffic, or that the originating carrier and/or traffic aggregator has failed to deliver originating caller identification to the transiting and/or terminating carriers. The originating tandem carrier shall not be liable for any blocking work performed at the request of the terminating carrier.

(6) If the terminating carrier requests the originating tandem carrier to block LEC-to-LEC traffic of an originating carrier and/or traffic aggregator, the date and time whereby traffic will be blocked shall be mutually agreed upon by the terminating carrier and the originating tandem carrier. Such blocks will not be initiated on weekends or holidays, or on a day immediately preceding a weekend or holiday. Unless otherwise agreed to by both the terminating carrier and originating tandem carrier, the originating tandem carrier shall implement the block within forty-five (45) days after receipt of the request to block.

(7) In supplement or as an alternative to blocking, a terminating carrier may require the originating carrier, as a condition of continued service, to place into escrow sufficient monies to recover any disputed or unpaid amounts.

(8) Upon receipt of notice that its traffic is subject to blocking, wireline carriers shall determine whether to use alternate means of delivering the traffic that is subject to blocking. If the wireline carrier elects not to use alternate means of delivering the traffic, the wireline carrier shall, within fifteen (15) days after receipt of notice, notify its potentially affected end users in writing that calls to affected NPA-NXXs may be subject to blocking. 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 (9) and (10) following.

(9) If an originating carrier and/or traffic aggregator wishes to dispute a proposal whereby some or all of its LEC-to-LEC traffic would be blocked by an originating tandem carrier or where the terminating carrier has required that disputed or unpaid amounts be placed into escrow, the originating carrier and/or traffic aggregator should immediately seek 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 or placing disputed charges into escrow. Such complaint shall include a request for expedited resolution.

(10) If an originating carrier and/or traffic aggregator file(s) a formal complaint, the terminating carrier and originating tandem carrier shall cease blocking preparations, pending the commission's decision. In all instances of blocking requests by a terminating carrier, the costs associated with blocking shall be borne by the terminating carrier, even if blocking is ultimately not implemented. The obligation to establish an escrow account will also cease, pending further direction from the commission.

(11) Nothing in sections (1) through (10) above shall require transiting carriers to block UNE-P traffic. 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. Terminating carriers who desire transiting carriers 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, the transiting carrier(s) involved, and 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)

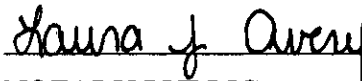
I, Anne Walker, Deputy Director of the Department of Economic Development, first being duly sworn on my oath state that it is my opinion that the cost of the **Proposed Rule 4 CSR 240-29.130, Requests of Terminating Carriers for Originating Tandem Carriers to Block Traffic of Originating Carriers and/or Traffic Aggregators** is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.



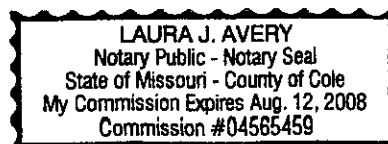
Anne Walker
Deputy Director
Department of Economic Development

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.



NOTARY PUBLIC





Matt Blunt
Secretary of State

**Administrative Rules Division
Rulemaking Transmittal Receipt**

Rule ID: 2115
Date Printed: 11/30/2004
Rule Number: 4 CSR 240-29.130
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

