

MATT BLUNT

Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

COPY

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NOV 04 2003
SECRETARY OF STATE
ADMINISTRATIVE RULES DIVISION

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

A. Rule Number 4 CSR 240-32.190
Diskette File Name Proposed Rule 4 CSR 240-32.190
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 keithkrueger@psc.state.mo.us
Interagency mailing address Governor Office Building, 200 Madison St., 8th Floor, Jefferson City, MO
Statutory Authority 386.040, 386.250, and 392.200 Current RSMo date 2000
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 checked="" 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).

The Commission requests publication in the
December 1, 2003 issue of *The Missouri Register*.

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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.

E. ORDER OF RULEMAKING; Rule Number _____

1a. Effective Date for the Order

☐ Statutory 30 days

Specific date _____

1b. Does the Order of Rulemaking contain changes to the rule text?

☐ YES

☐ NO

1c. If the answer is YES, please complete section F. If the answer is NO, **STOP** here.

- F. Please provide a complete list of the changes in the rule text for the order of rulemaking, indicating the specific section, subsection, paragraph, subparagraph, part, etc., where each change is found. It is especially important to identify the parts of the rule that are being deleted in this order of rulemaking. This is not a reprinting of your order, but an explanation of what sections, subsections, etc. have been changed since the original proposed rule was filed.

(Start text here. If text continues to a third page, insert a continuous section break and, in section 3, delete the footer text. DO NOT delete the header, however.)



Commissioners

KELVIN L. SIMMONS
Chair

CONNIE MURRAY

STEVE GAW

BRYAN FORBIS

ROBERT M. CLAYTON III

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

DONNA M. PRENGER
Director, Administration

DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE
General Counsel

November 4, 2003

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

Dear Secretary Blunt:

RE: 4 CSR 240-32.190 – Standards for Providing Caller Identification Blocking Service

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rule lawfully submitted by the Missouri Public Service Commission on this 4th day of November, 2003.

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, 386.250, and 392.200, RSMo 2000.

November 4, 2003

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If there are any questions regarding the content of the rule, please contact:

Keith R. Krueger, Deputy General Counsel
Missouri Public Service Commission
200 Madison Street, Suite 800
P.O. Box 360
Jefferson City, Missouri 65102
(573) 751-4140
keithkrueger@psc.state.mo.us

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission

Enclosures: Proposed Rule 4 CSR 240-32.190 – Standards for Providing Caller Identification
Blocking Service, Rule Transmittal, Affidavit and Private Entity Fiscal Note

AFFIDAVIT

STATE OF MISSOURI)

COUNTY OF COLE)

I, Joseph L. Driskill, 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 240-32.190, Standards for Providing Caller Identification Blocking Service*, is less than five hundred dollars (\$500) in the aggregate to this agency, any other agency of state government or any political subdivision thereof.



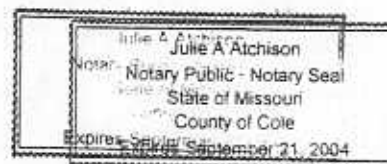
Joseph L. Driskill
Director

Department of Economic Development

Subscribed and sworn to before me this 3RD day of November, 2003. I am
commissioned as a notary public within the County of Cole, State of Missouri,
and my commission expires on September 21, 2004



NOTARY PUBLIC



Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240 – Public Service Commission
Chapter 32 – Telecommunications Service

PROPOSED RULE

4 CSR 240-32.190 Standards for Providing Caller Identification Blocking Service

PURPOSE: The purpose of this rule is to set forth standards to be followed for Caller Identification Blocking Service.

(1) All telecommunications companies shall permit per-call blocking when the caller dials access code star 67 (*67), or 1167 from a rotary dial telephone prior to dialing the telephone number. No other means of per-call blocking shall be permitted.

(2) All telecommunications companies shall provide per-line blocking for federal, state, and local law enforcement agencies and private, nonprofit, tax-exempt domestic violence intervention agencies, and the employees of these agencies who have a need for such blocking pursuant to their employment. A telecommunications company shall enable per-line blocking within a reasonable time after a request from such an agency. A telecommunications company may determine whether the request has been made by a law enforcement or domestic violence intervention agency. No telecommunications company shall knowingly provide per-line blocking to any other entity or person.

(3) No telecommunications company shall charge any fee for per-call blocking.

(4) No telecommunications company shall charge any fee for per-line caller identification blocking for authorized federal, state, and local law enforcement agencies and private, nonprofit, tax-exempt domestic violence intervention agencies, and the employees of these agencies who have a need for such blocking pursuant to their employment.

AUTHORITY: sections 386.040, 386.250 and 392.200, RSMo 2000. Emergency rule filed September 26, 2003, effective October 6, 2003, expires April 2, 2004. Original rule filed November 4, 2003.

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 TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the 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 December 31, 2003, and should include a reference to Commission Case No. TX-2004-0206. 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>>. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: Missouri Department of Economic Development
Division: Missouri Public Service Commission
Chapter: Telecommunications Service
Type of Rulemaking: New
Rule Number and Name: 4 CSR 240-32.190 Standards for Providing Caller Identification Blocking Service

II. SUMMARY OF FISCAL IMPACT

| Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule: | Classification* by types of the business entities which would likely be affected: | Estimate in the aggregate as to the cost of compliance with the rule by the affected entities: |
|--|---|--|
| 0 | Class A Local Telephone Companies | \$0 |
| 0 | Class B Local Telephone Companies | \$0 |
| 0 | Class C Local Telephone Companies | \$0 |
| 0 | Class Interexchange Companies | \$0 |
| | All entities | \$0 |

* Class A Telephone Companies are incumbent local telephone companies with more than \$100,000,000 annual revenues system wide; Class B Telephone Companies are incumbent local telephone companies with \$100,000,000 annual revenues or less system wide; Class C Local Telephone Companies are all other companies certificated to provide basic local exchange telecommunications services, Class Interexchange Companies are long distance providers.

III. WORKSHEET

1. The proposed rule applies to all telecommunications companies.
2. No telecommunications companies are projected to have a fiscal impact.

IV. ASSUMPTIONS

1. The life of the rule is estimated to be five years.
2. Most telecommunications companies already comply with the proposed requirements. In instances where a company has not provided per-line blocking as requested by a law enforcement or domestic violence intervention agency the company has willingly made the necessary adjustments.
3. Similar proposed blocking requirements have previously been distributed to the Missouri telecommunications industry in a different pending rulemaking. No party has indicated such blocking requirements will generate a financial impact.
4. Affected entities are assumed to be in compliance with all other Missouri Public Service Commission and Federal Communication Commission rules and regulations.