

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 240—Public Service Commission
Chapter 33—Service and Billing Practices
for Telephone Utilities**

PROPOSED RESCISSION

4 CSR 240-33.010 General Provisions. This rule described in general terms the provisions of this chapter.

PURPOSE: This rule is being rescinded and resubmitted to avoid confusion because of the many changes being proposed.

AUTHORITY: sections 386.040, 386.250 and 392.200, RSMo 1986. Original rule filed Jan. 14, 1977, effective Oct. 1, 1977. Rescinded: Filed Aug. 26, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, P.O. Box 360, Jefferson City, MO 65102, (573) 751-3234. To be considered, comments shall be filed on or before November 12, 1999. Comments should refer to Case No. TX-2000-159, and be filed with an original and fourteen copies. A public hearing is scheduled for November 15, 1999, at 9:00 a.m. in room 520B of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri, for interested persons to appear and respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211, or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for
[Telephone Utilities] Telecommunications Companies**

PROPOSED RULE

4 CSR 240-33.010 General Provisions

PURPOSE: This rule describes in general terms the provisions of this chapter.

(1) This chapter applies to all telecommunications companies subject to the jurisdiction of the Missouri Public Service Commission.

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

(3) A telecommunications company may adopt rules governing its relations with customers and prospective customers which are not inconsistent with this chapter. The rules shall be part of a telecommunications company's tariffs.

(4) All telecommunications companies shall be in compliance with this chapter within six (6) months after the effective date of this rule and shall notify the commission of such compliance.

AUTHORITY: sections 386.040, RSMo 1994 and 386.250 and 392.200, RSMo Supp. 1998. Original rule filed Jan. 14, 1977, effective Oct. 1, 1977. Rescinded and readopted: Filed Aug. 26, 1999.

PUBLIC ENTITY COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: 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, P.O. Box 360, Jefferson City, MO 65102, (573) 751-3234. To be considered, comments shall be filed on or before November 12, 1999. Comments should refer to Case No. TX-2000-159, and be filed with an original and fourteen copies. A public hearing is scheduled for November 15, 1999, at 9:00 a.m. in room 520B of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri, for interested persons to appear and respond to commission questions.

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**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 240—Public Service Commission
Chapter 33—Service and Billing Practices
for Telephone Utilities**

PROPOSED RESCISSION

4 CSR 240-33.020 Definitions. This rule defined various terms that were used in this chapter.

PURPOSE: This rule is being rescinded and resubmitted to avoid confusion because of the many changes being proposed.

AUTHORITY: sections 386.040, 386.250 and 392.200, RSMo 1986. Original rule filed Jan. 14, 1977, effective Oct. 1, 1977. Rescinded: Filed Aug. 26, 1999.

PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, P.O. Box 360, Jefferson City, MO 65102, (573) 751-3234. To be considered, comments shall be filed on or before November 12, 1999. Comments should refer to Case No. TX-2000-162, and be filed with an original and fourteen copies. A public hearing is scheduled for November 15, 1999, at 9:00 a.m. in room 520B of the

Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri, for interested persons to appear and respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211, or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 33—Service and Billing Practices for [Telephone Utilities] Telecommunications Companies

PROPOSED RULE

4 CSR 240-33.020 Definitions

PURPOSE: This rule defines various terms that are used in this chapter.

(1) 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.

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

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

(4) Bill insert or insert is a written notice which is enclosed with a bill.

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

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

(7) Customer is any individual, firm, partnership, corporation, municipality, cooperative, organization, governmental agency, etc., that accepts financial and other responsibilities in exchange for telecommunications service.

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

(9) Deposit is a money advance to a telecommunications company for the purpose of securing payment of delinquent charges.

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

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

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

(13) Inquiry is any written or oral comment or question regarding a charge or service.

(14) Letter of agency is a letter or other document sent by a customer to a telecommunications company authorizing the telecom-

munications company to change the telecommunications service provider for that customer.

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

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

(17) Operator services is operator services as defined in section 386.020(37), RSMo Supp. 1998.

(18) Pay telephone is a coin or non-coin telephone installed for use by the general public from which calls can be paid for at the time they are made by means of coins, tokens, credit cards, debit cards or a billing to an alternate number.

(19) Preferred payment date plan is a plan in which the due date for the charges stated on a bill is the same date in each billing period as selected by the customer.

(20) Rendition of a bill is the date a bill is mailed to a customer.

(21) Settlement agreement is a written agreement between a customer and a telecommunications company to resolve billing disputes or delinquent payments.

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

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

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

AUTHORITY: sections 386.040, RSMo 1994 and 386.250 and 392.200, RSMo Supp. 1998. Original rule filed Jan. 14, 1977, effective Oct. 1, 1977. Rescinded and readopted: Filed Aug. 26, 1999.

PUBLIC ENTITY COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rule is estimated to cost private entities \$10,487,054 in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: 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, P.O. Box 360, Jefferson City, MO 65102, (573) 751-3234. To be considered, comments shall be filed on or before November 12, 1999. Comments should refer to Case No. TX-2000-162, and be filed with an original and fourteen copies. A public hearing is scheduled for November 15, 1999, at 9:00 a.m. in room 520B of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri, for interested persons to appear and respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211, or TDD Hotline 1-800-829-7541.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 240 – Public Service Commission

Chapter: 33 – Service and Billing Practices for Telecommunications Companies

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 240-33.020 Definitions

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:
1	Class A Local Telephone Companies	\$10,487,054 (See worksheet Item 1A)
	Class B Local Telephone Companies	
	Class C Local Telephone Companies	
	Class Interexchange Companies	
	Class Payphone Providers	
1	All entities	\$10,487,054

* 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; Class Payphone Providers are private payphone providers.

III. WORKSHEET

1. A draft of the proposed rule was distributed to Class A Telephone Companies, Class B Telephone Companies, Class C Local Telephone Companies, Class Interexchange Companies, and Class Payphone Providers certificated by the Missouri Public Service

Commission as of June 1998. These companies were requested to review the rule and provide any projected fiscal impact projections, should the rule be approved as drafted. The above information reflects the responses of these companies.

A. Southwestern Bell Telephone Company stated that the total impact would be \$10,487,054 because the billing insert that would be required to inform customers about changes in the appearance of the bill would cause customer confusion and, therefore, increased calls to its business office.

2. The estimated number of entities affected by the proposed rule reflects the number of companies responding with fiscal impact information.
3. Cost of compliance with the rule by the affected entities reflects the total projected cost over a five year period. Some entities indicated their actual cost may be greater than the amount projected.

IV. ASSUMPTIONS

1. The life of the rule is estimated at five years.
2. Fiscal year 1998 dollars are used to estimate costs. No adjustment for inflation is applied.
3. Estimates assume no sudden change in technology that would influence costs.
4. Affected entities are assumed to be in compliance with all other MoPSC rules and regulations.
5. The universe of entities is based on fiscal year 1998 data and is assumed to remain constant.