

**John R. Ashcroft**

Secretary of State  
Administrative Rules Division

**RULE TRANSMITTAL**

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APR 12 2018

SECRETARY OF STATE  
ADMINISTRATIVE RULES

**COPY**

Rule Number 4 CSR 240-31.016

Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:

Content Morris Woodruff Phone 573-751-2849 FAX 573-526-6010

Email address morris.woodruff@psc.mo.gov

Data Entry Chris Koenigsfeld Phone 573-751-4256 FAX 573-526-6010

Email address Christine.koenigsfeld@psc.mo.gov

Interagency mailing address Public Service Commission, 9<sup>th</sup> Fl., Gov. Ofc. Bldg., JC, MO

TYPE OF RULEMAKING ACTION TO BE TAKEN

☐ Emergency rulemaking, include effective date

☒ Proposed Rulemaking

☐ Withdrawal ☐ Rule Action Notice ☐ In Addition ☐ Rule Under Consideration

☐ Request for Non-Substantive Change

☐ Statement of Actual Cost Order of Rulemaking

Effective Date for the Order \_\_\_\_\_

☐ Statutory 30 days OR Specific date \_\_\_\_\_

Does the Order of Rulemaking contain changes to the rule text? ☐ NO

☐ YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

Small Business Regulatory  
Fairness Board (DED) Stamp

SMALL BUSINESS  
REGULATORY FAIRNESS BOARD

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JOINT COMMITTEE ON

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ADMINISTRATIVE RULES



Commissioners  
DANIEL Y. HALL  
Chairman  
WILLIAM P. KENNEY  
SCOTT T. RUPP  
MAIDA J. COLEMAN  
RYAN A. SILVEY

## *Missouri Public Service Commission*

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

SHELLEY BRUEGGEMANN  
General Counsel  
MORRIS WOODRUFF  
Secretary  
LOYD WILSON  
Director of Administration  
NATELLE DIETRICH  
Staff Director

April 12, 2018

John Ashcroft  
Secretary of State  
Administrative Rules Division  
600 West Main Street  
Jefferson City, Missouri 65101

Re: 4 CSR 240-31.016 ETC Application Requirements

Dear Secretary Ashcroft,

### 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.

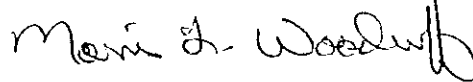
The Public Service Commission has determined and hereby certifies that this proposed rule will not have an economic impact on small businesses. The Public Service Commission further certifies that it has conducted an analysis of whether there has been a taking of real property pursuant to section 536.017, RSMo, that the proposed rule does not constitute a taking of real property under relevant state and federal law, and that the proposed rule conforms to the requirements of 1.310, RSMo, regarding user fees.

The Public Service Commission has determined and hereby also certifies that this proposed rule complies with the small business requirements of 1.310, RSMo, in that it does not have an adverse impact on small businesses consisting of fewer than fifty full or part-time employees or it is necessary to protect the life, health, or safety of the public, or that this rulemaking complies with 1.310, RSMo, by exempting any small business consisting of fewer than fifty full or part-time employees from its coverage, by implementing a federal mandate, or by implementing a federal program administered by the state or an act of the general assembly.

Statutory Authority: section 392.200.2, RSMo Supp. 2013, and sections 392.248 and 392.470.1, RSMo 2000.

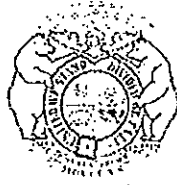
If there are any questions regarding the content of this proposed rule, please contact:

Morris Woodruff, Chief Regulatory Law Judge  
Missouri Public Service Commission  
200 Madison Street  
P.O. Box 360  
Jefferson City, MO 65102  
(573) 751-2849  
Morris.Woodruff@psc.mo.gov

A handwritten signature in black ink, appearing to read "Morris L. Woodruff", with a stylized flourish at the end.

Morris L. Woodruff  
Chief Regulatory Law Judge

Enclosures



ERIC R. GREITENS  
GOVERNOR

GOVERNOR OF MISSOURI  
JEFFERSON CITY  
65102

P.O. Box 720  
(573) 751-3222

February 7, 2018

Daniel Hall  
Public Service Commission  
200 Madison Street  
P.O. Box 360  
Jefferson City, Missouri 65102

Dear Chairman Hall:

This office has received your rulemaking relating to organization, powers, and meetings of the board (rescission), 4 CSR 240-31.020; the MoUSFA (rescission), 4 CSR 240-31.030; eligibility for funding – high cost areas (rescission), 4 CSR 240-31.040; the MoUSF assessment (rescission), 4 CSR 240-31.060; disbursement of MoUSF funds (rescission), 4 CSR 240-31.090; review procedures for support payments (rescission), 4 CSR 240-31.100; review of board and MoUSFA activities (rescission), 4 CSR 240-31.110; lifeline program and disabled program (rescission), 4 CSR 240-31.120; eligible telecommunications carrier requirements (rescission), 4 CSR 240-31.130; definitions (proposed), 4 CSR 240-31.010; Missouri USF administration (proposed), 4 CSR 240-31.011; Missouri USF assessment (proposed), 4 CSR 240-31.012; Missouri USF high cost support (proposed), 4 CSR 240-31.013; lifeline and disabled programs (proposed), 4 CSR 240-31.014; ETC requirements (proposed), 4 CSR 240-31.015; and ETC application requirements (proposed), 4 CSR 240-31.016.

Executive Order 17-03 requires this office's approval before state agencies release proposed regulations for notice and comment, amend existing regulations, rescind regulations, or adopt new regulations. After our review, we approve the submission of these rule rescissions and proposed rules to JCAR and the Secretary of State.

Sincerely,


A handwritten signature in black ink, appearing to read "Justin D. Smith".

Justin D. Smith  
Deputy Counsel

## PUBLIC COST

COUNTY OF COLE )

I, Rob Dixon, Director of the Department of Economic Development, first being duly sworn, on my oath, state that it is my opinion that the cost of proposed rule 4 CSR 240-31.016, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

Robert B. 

Rob Dixon  
Director  
Department of Economic Development

Subscribed and sworn to before me this 14<sup>th</sup> day of March, 2018 I am  
commissioned as a notary public within the County of Moniteau State of  
Missouri, and my commission expires on Dec. 13, 2019



**DAWN ELLEN OVERBEY**  
My Commission Expires  
December 13, 2019  
Moniteau County  
Commission #15456865

Dawn Ellen Overby  
Notary Public



Title 4—DEPARTMENT OF  
ECONOMIC DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 31—Universal Service

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PROPOSED RULE

**4 CSR 240-31.016 ETC Application Requirements.**

**COPY**

*PURPOSE: This proposed rule identifies application requirements for companies seeking ETC status for the purpose of receiving federal USF support.*

(1) Any company seeking ETC status for the purpose of participating in the federal USF high cost programs and/or Lifeline program in Missouri shall apply for ETC designation with the commission unless otherwise preempted by the FCC.

(2) ETC application requirements—

(A) All ETC applications shall comply with the application requirements identified in 4 CSR 240-2.060 and be verified by oath as to the truthfulness therein by an officer or director of the applicant.

(B) In addition to the requirements of 4 CSR 240-2.060 and 47 C.F.R. §54.201 and §54.202, all ETC applications should—

1. Identify any individual or entity having a ten percent (10%) or more ownership interest in the applicant.
2. Identify all managers, officers, and directors, or any person exerting managerial control over the applicant's day-to-day operations, policies, service offerings, and rates;
3. Identify any company sharing common ownership or management with the applicant that has ever received funds from the federal USF or any state universal service fund.
4. Provide the details of any matter brought in the last ten (10) years by any state or federal regulatory or law enforcement agency against any of the individuals, entities, managers, officers, directors of other companies sharing common ownership or management with the applicant involving fraud, deceit, perjury, stealing, or the omission or misstatement of material fact in connection with a commercial transaction;
5. Identify the website containing information about the applicant's service and rates. If such information will be maintained in a tariff maintained with the commission then either provide a tariff filing or cite the existing tariff;
6. Provide statements addressing each of the following:
  - A. The applicant will comply with the ETC requirements identified in 4 CSR 240-31.015;
  - B. Whether the applicant intends to seek support from the Missouri USF. If so, the applicant should also state whether it intends to participate in the Disabled program;
  - C. A commitment to notify the commission of any changes to company contact information;
  - D. If the applicant is certificated or registered by the commission, a statement that the company is compliant with all reporting and assessment obligations; and

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- E. A statement that the applicant is compliant with contribution obligations to the federal USF;
- 7. A copy of the Lifeline and/or Disabled enrollment form to be used by the applicant;
- and
- 8. A copy of the FCC's decision if an applicant has sought and obtained a waiver of any ETC requirement from the FCC.

(3) ETC status, if granted, will be issued by commission order. The company is responsible for providing a copy of the order to the federal Universal Service Fund administrator.

*AUTHORITY: section 392.200.2, RSMo Supp. 2013, and sections 392.248 and 392.470.1, RSMo 2000 (Original authority: 392.200, RSMo 1939, amended 1987, 1988, 1996; 392.248, RSMo 1996; and 392.470.1, RSMo 1987) Original rule filed Aug. 7, 2013, effective April 30, 2014.*

*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 the proposed rule with the Missouri Public Service Commission, 200 Madison Street. P.O. Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0120. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rule is scheduled for July 9, 2018, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., 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.*

# **Small Business Regulator Fairness Board**

## **Small Business Impact Statement**

**Date:** November 17, 2017

**Rule Number:** 4 CSR 240-31.016

**Name of Agency Preparing Statement:** Missouri Public Service Commission

**Name of Person Preparing Statement:** Kari Salsman

**Phone Number:** 573-526-5631      **Email:** kari.salsman@psc.mo.gov

**Name of Person Approving Statement:** Natelle Dietrich

**Please describe the methods your agency considered or used to reduce the impact on small businesses** *(examples: consolidation, simplification, differing compliance, differing reporting requirements, less stringent deadlines, performance rather than design standards, exemption, or any other mitigating technique).*

Proposed rule simplifies and streamlines rules, which will reduce any impact on small businesses.

**Please explain how your agency has involved small businesses in the development of the proposed rule.**

Feedback was solicited in Case No. TW-2017-0078 and a workshop.

**Please list the probable monetary costs and benefits to your agency and any other agencies affected. Please include the estimated total amount your agency expects to collect from additionally imposed fees and how the moneys will be used.**

None

**Please describe small businesses that will be required to comply with the proposed rule and how they may be adversely affected.**

The proposed rule applies to companies seeking designation as an eligible telecommunications carrier. No company will be adversely affected by the proposed rule.



**Please list direct and indirect costs (in dollars amounts) associated with compliance.**

N/A

**Please list types of business that will be directly affected by, bear the cost of, or directly benefit from the proposed rule.**

Companies seeking designation as an eligible telecommunications carrier.

**Does the proposed rule include provisions that are more stringent than those mandated by comparable or related federal, state, or county standards?**

Yes\_\_\_ No\_X\_\_

**If yes, please explain the reason for imposing a more stringent standard.**

*For further guidance in the completion of this statement, please see §536.300, RSMo.*