

**FILED**

NOV 25 2008

Missouri Public
Service Commission**Robin Carnahan**
Secretary of State**Administrative Rules Division**
Rulemaking Transmittal Receipt

Rule ID 9577
Date Printed 11/25/2008
Rule Number 4 CSR 240-31 010
Rulemaking Type Final Order Amendment
Date Submitted to Administrative Rules Division 11/25/2008
Date Submitted to Joint Committee on Administrative Rules 10/24/2008

Name of Person to Contact with questions concerning this rule

Content Cully Dale	Phone 1-4255	Email cully dale@psc mo gov	Fax
RuleDataEntry	Phone	Email	Fax

Included with Rulemaking

Cover Letter

11/25/2008

Print Close

Robin Carnahan

Secretary of State
Administrative Rules Division

RULE TRANSMITTAL

Administrative Rules Stamp

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SECRETARY OF STATE
ADMINISTRATIVE RULES

Rule Number 4 CSR 240-31.010

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

Name of person to call with questions about this rule

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TYPE OF RULEMAKING ACTION TO BE TAKEN

☐ Emergency rulemaking, include effective date

☐ Proposed Rulemaking

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

☒ 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

4 CSR 240-31 010(9)

Small Business Regulatory
Fairness Board (DED) Stamp

JCAR Stamp

JOINT COMMITTEE ON

OCT 24 2008

ADMINISTRATIVE RULES



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General Counsel

November 24th, 2008

Honorable Robin Carnahan
Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, Missouri 65101

Dear Secretary Carnahan

Re: 4 CSR 240-31.010 [Missouri Universal Service Fund] Definitions.

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the order of rulemaking lawfully submitted by the Missouri Public Service Commission for filing on this 24th day of November, 2008.

Statutory Authority Sections 392.248 and 392.470.1 RSMo 2000 and 392.200.2 RSMo Supp. 2007.

If there are any questions regarding the content of this order of rulemaking, please contact:

Colleen M. Dale, Secretary
Missouri Public Service Commission
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BY THE COMMISSION

Colleen M. Dale
Secretary
Missouri Public Service Commission

**Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240 – Public Service Commission
Chapter 31 – Missouri Universal Service Fund**

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**SECRETARY OF STATE
ADMINISTRATIVE RULES**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250, 392.248 and 392.470.1 RSMo 2000 and 392.200.2 RSMo Supp. 2007, the commission amends a rule as follows

4 CSR 240-31.010 is amended

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 2, 2008 (33 MoReg 1660). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS A public hearing on this proposed rule was held October 3, 2008, and the public comment period ended October 3, 2008. No written comments were received and John VanEschen, on behalf of the staff of the Missouri Public Service Commission, was the only person to testify. The staff supports the proposed amendment.

COMMENT. In order to prevent confusion in the future about whether a program qualifies a person to receive residential essential local telecommunications services at a reduced rate under the Missouri Universal Service Fund, it is appropriate to change the way "Medicaid" is listed to the more generic "a program pursuant to 42 U.S.C. §§1396-1396v."

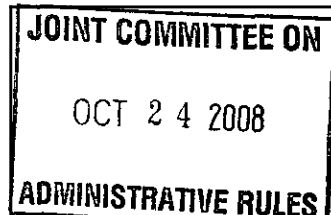
RESPONSE No change is necessitated by this comment.

COMMENT As for Medicaid, it would be clearer to change the other program names to something more generic as well. However, not all those programs have a discrete enabling statute. For that reason, the staff does not recommend that the other program titles be deleted, but supports the inclusion of their corresponding statutory authority together with the program name.

RESPONSE AND EXPLANATION OF CHANGE The commission agrees with this comment, and will add the statutory citations as set forth below.

4 CSR 240-31.010 Definitions.

(9) Low-income customer—Any customer who requests or receives residential essential local telecommunications service and who participates or has a dependent residing in the customer's household who participates in a program pursuant to 42 U.S.C. §§1396-1396v, food stamps (7 U.S.C. §51), Supplementary Security Income (SSI) (42 U.S.C. §7), federal public housing assistance or Section 8 (42 U.S.C. §8), National School Lunch



Program's free lunch program (42 U S C. §13), Temporary Assistance for Needy Families (42 U S C §7(IV)), or Low Income Home Energy Assistance Program (LIHEAP) (42 U S C §94)