

John R. Ashcroft

Secretary of State
Administrative Rules Division

RULE TRANSMITTAL

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SECRETARY OF STATE
ADMINISTRATIVE RULES

COPY

Rule Number 4 CSR 240-28.012

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, 9th 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

APR 12 2018

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 240-28.012 Annual Reports, Statements of Revenue and Assessments

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.

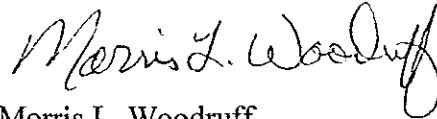
The Public Service Commission has determined and hereby certifies that this proposed rule will not have an economic impact on small businesses. The Public Service Commission further certifies that it has conducted an analysis of whether there has been a taking of real property pursuant to section 536.017, 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: sections 386.040, 386.250 and 386.310, RSMo 2000, section 392.450, RSMo Supp. 2013, and section 392.461, RSMo Supp. 2014.

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, reading "Morris L. Woodruff". The signature is written in a cursive style with a large, stylized "M" and "W".

Morris L. Woodruff
Chief Regulatory Law Judge

Enclosures



GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

ERIC R. GREITENS
GOVERNOR

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

February 9, 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 proposed rulemaking relating to general provisions (rescission), 4 CSR 240-28.020; certification or registration requirements (rescission), 4 CSR 240-28.030; reporting requirements (rescission), 4 CSR 240-28.040; assessment requirements (rescission), 4 CSR 240-28.050; service requirements (rescission), 4 CSR 240-28.060; tariffs (rescission), 4 CSR 240-28.070; interconnection agreements (rescission), 4 CSR 240-28.080; 211 service (rescission), 4 CSR 240-28.090; definitions (proposed), 4 CSR 240-28.010; certificate of service authority and/or registration (proposed), 4 CSR 240-28.011; annual reports, statements of revenue and assessments (proposed), 4 CSR 240-28.012; tariff filings and interconnection agreements (proposed), 4 CSR 240-28.013; network configuration (proposed), 4 CSR 240-28.014; 211 service (proposed), 4 CSR 240-28.015; telephone numbering (proposed), 4 CSR 240-28.016; general provisions (rescission), 4 CSR 240-37.010; definitions (rescission), 4 CSR 240-37.020; thousands-block number pooling (rescission), 4 CSR 240-37.030; requests for review of the decisions of the North American numbering plan administrator or the thousands-block pooling administrator (rescission), 4 CSR 240-37.040; reclamation (rescission), 4 CSR 240-37.050; and reporting requirements (rescission), 4 CSR 240-37.060.


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

STATE OF MISSOURI)
)
COUNTY OF COLE)


Rob Dixon
Director
Department of Economic Development

A circular notary seal for the State of Missouri. The outer ring contains the text "NOTARY PUBLIC" at the top and "STATE OF MISSOURI" at the bottom, separated by small stars. In the center, the word "NOTARY" is above "SEAL", which is flanked by two small stars.

Dawn Ellen Aubel
Notary Public

**Title 4—DEPARTMENT OF
ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 28—Communications**

PROPOSED RULE

4 CSR 240-28.012 Annual Reports, Statements of Revenue and Assessments.

PURPOSE: This proposed rule identifies annual report and assessment requirements for companies authorized to provide telecommunications and/or IVoIP services in Missouri.

(1) Annual Reports and Statements of Revenues— The commission's website contains forms, deadlines, and instructions for annual reports, including how to address common revenue reporting issues.

(A) Any company registered to provide IVoIP service or with a certificate of service authority to provide nonswitched local, basic local or interexchange telecommunications service shall file an annual report. A company's Missouri jurisdictional retail revenue identified in the annual report will be provided to the Missouri Universal Service Fund (USF) administrator.

(B) Statement of revenue report. Any company registered to provide IVoIP service or with a certificate of service authority to provide non-switched local, basic local or interexchange telecommunications service, payphone service or shared tenant services is required to file a statement of revenue report identifying a company's Missouri jurisdictional revenue.

(2) Assessments— Information about assessments may be found on the commission's website or as otherwise indicated below.

(A) Commission assessment. Any company required to submit a statement of revenue report is subject to the commission assessment, as provided in Section 386.370, RSMo. This assessment is determined by a factor identified on the commission's website that is then applied to a company's Missouri jurisdictional revenue.

(B) Missouri USF assessment. Any company required to submit an annual report to the commission is subject to the Missouri USF assessment. This assessment is based on a factor applied to a company's net jurisdictional revenue as defined and explained in 4 CSR 240-31. Information about the Missouri USF assessment is posted on the Missouri USF administrator's website www.missouriusf.com.

(C) Relay Missouri assessment. Any company registered to provide IVoIP service or with a certificate of service authority to provide basic local telecommunications service is subject to the Relay Missouri assessment. A company is required to bill a designated amount to each access line and label it as the "Relay Missouri Surcharge". A company may retain a portion of the revenue collected. These arrangements along with special considerations for applying this assessment are addressed on the commission's website.

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(D) If a company has filed for bankruptcy and wants to avoid assessment obligations during a pending bankruptcy, then a company should notify the commission. Notice can be in form of a letter filed into EFIS as a non-case related submission indicating the date of filing for bankruptcy, bankruptcy court, case number and chapter number. A letter should be filed under the same tracking number when the company emerges from bankruptcy.

AUTHORITY: section 386.040, 386.250 and 386.310, RSMo 2000, section 392.450, RSMo Supp. 2013, and section 392.461, RSMo Supp. 2014. (Original authority: 386.040, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; 386.310, RSMo 1939, amended 1979, 1989, 1996; 392.450, RSMo 1987, amended 1996, 2008; and 392.461, RSMo 2011, amended 2013, 2014.) Original rule filed April 1, 2015, effective Dec. 30, 2015.

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 240-28.012

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-2018-0098.

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 telecommunications companies and IVolP providers. 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.

Telecommunications companies and IVoIP providers.

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.