

John R. Ashcroft

Secretary of State
Administrative Rules Division

RULE TRANSMITTAL

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APR 12 2018

SECRETARY OF STATE
ADMINISTRATIVE RULES

Rule Number 4 CSR 240-31.010

COPY

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

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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 240-31.010 Definitions

Dear Secretary Ashcroft,

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed amendment lawfully submitted by the Missouri Public Service Commission.

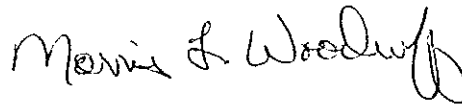
The Public Service Commission has determined and hereby certifies that this proposed amendment will not have an economic impact on small businesses. The Public Service Commission further certifies that it has conducted an analysis of whether there has been a taking of real property pursuant to section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

The Public Service Commission has determined and hereby also certifies that this proposed amendment 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.

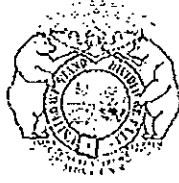
If there are any questions regarding the content of these proposed amendments, please contact:

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,

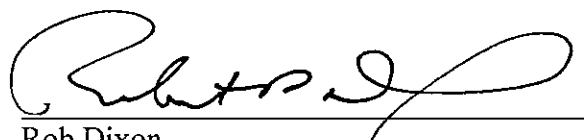
A handwritten signature in black ink, appearing to read "Justin D. Smith".

Justin D. Smith
Deputy Counsel

**AFFIDAVIT
PUBLIC COST**

STATE OF MISSOURI)
)
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 amendment to rule, 4 CSR 240-31.010, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

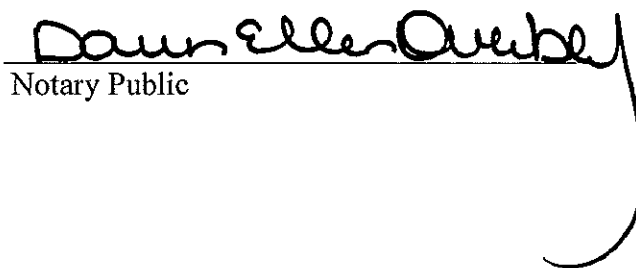


Rob Dixon
Director
Department of Economic Development

Subscribed and sworn to before me this 14th 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



Notary Public

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SECRETARY OF STATE
ADMINISTRATIVE RULES

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

PROPOSED AMENDMENTS

COPY

4 CSR 240-31.010 Definitions. This rule defines terms used in the rules comprising Chapter 31.

PURPOSE: This proposed amendment removes unnecessary definitions, revises certain definitions and adds definitions.

(1) *[Assessable carrier—All registered Interconnected Voice over Internet Protocol (VoIP) providers and certificated telecommunications companies except: pay telephone providers, shared tenant services (STS) providers, and those companies with annual net jurisdictional revenue below a de minimis level of twenty-four thousand dollars (\$24,000).*

(2) *JBoard—The Missouri Universal Service Board. [Refers to the Missouri Universal Service Board established by section 392.248.1, RSMo 2000 and comprised] The board consists of members of the Missouri Public Service Commission and the public counsel[, which shall supervise the management of the MoUSF].*

([3]2) *Commission—[The] Missouri Public Service Commission.*

([4]3) *Disabled Program— [The] A Missouri program [that offers] offering discounted [voice telephony] essential local telecommunications service to [Missourians with certain disabilities as defined by 4 CSR 240-31.120(1)(C).] qualifying disabled consumers.*

([5]4) *ETC—Refers to [E]ligible telecommunications carrier. [(ETC)—Is a carrier designated as such by the Missouri Public Service Commission pursuant to] ETC designation allows a company to receive federal universal service funding as contemplated under 47 U.S.C. 214(e) and 47 CFR Part 54 Subpart C. [ETC designation allows a carrier to receive FUSF support from the high-cost and/or Lifeline programs and Missouri-approved telecommunications carriers to receive MoUSF support from the high-cost, Lifeline, or Disabled programs.]*

([6]5) *Essential local telecommunications service[s]— [This phrase is synonymous with “voice telephony service” as defined by 4 CSR 240-31.010(18).] Voice telephone service which provides voice grade access to the public switched network including access to 911-related emergency services to the extent implemented by a local government and/or retail broadband service.*

([7]6) *FCC—Refers to Federal Communications Commission [(FCC)—The federal agency charged with oversight of the Federal Universal Service Fund and which places certain responsibilities on the commission, through the promulgation of federal rules pursuant to federal statutes, in filling that oversight obligation.] who oversees the federal USF.*

([8) *Federal Universal Service Fund (FUSF)—The federal fund that provides funding to companies for the high-cost program and the Lifeline program.*

JOINT COMMITTEE ON

APR 12 2018

ADMINISTRATIVE RULES

(9) *Federal Universal Service Fund Administrator (FUSFA)*—An independent, not-for-profit corporation created to administer the federal universal service programs under the oversight of the FCC.

(10) *Household*—Defined by 47 CFR Part 54.400(h) as any individual or group of individuals who are living together at the same address as one (1) economic unit. A household may include related and unrelated persons. An “economic unit” consists of all adult individuals contributing to and sharing in the income and expenses of a household. An adult is any person eighteen (18) years or older. If an adult has no or minimal income, and lives with someone who provides financial support to him/her, both people shall be considered part of the same household. Children under the age of eighteen (18) living with their parents or guardians are considered to be part of the same household as their parents or guardians.

(11) *Income*—Defined by 47 CFR Part 54.400(f) as all income actually received by all members of a household. This includes salary before deductions for taxes, public assistance benefits, Social Security payments, pensions, unemployment compensation, veteran’s benefits, inheritances, alimony, child support payments, worker’s compensation benefits, gifts, lottery winnings, and the like. The only exceptions are student financial aid, military housing and cost-of-living allowances, irregular income from occasional small jobs such as baby-sitting or lawn mowing, and the like.]

(12) **VoIP**—Refers to Interconnected Voice over Internet Protocol [(IVoIP)—Is a service that enables real-time, two- (2-) way voice communications, requires a broadband connection from the user’s location, requires Internet protocol-compatible customer premises equipment, and permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.] as defined in Section 386.020, RSMo.

(13) *Lifeline Service*—Means a non-transferable retail service offering for which qualifying low-income consumers pay reduced charges as a result of application of the Lifeline support amount described in 47 CFR 54.403; and that provides qualifying low-income consumers with voice telephony service as specified in 47 CFR 54.101(a). Toll limitation service does not distinguish between toll and non-toll calls in the pricing of the service. If an eligible telecommunications carrier charges Lifeline subscribers a fee for toll calls that is in addition to the per month or per billing cycle price of the subscribers’ Lifeline service, the carrier must offer toll limitation service at no charge to its subscribers as part of its Lifeline service offering.

(14) *MoUSF*—Refers to the Missouri Universal Service Fund, which was established by section 392.248, RSMo 2000 to be used for the following purposes:

(A) To ensure the provision of reasonably comparable essential local telecommunications service, as defined in this rule, throughout the state, including high cost areas, at just, reasonable, and affordable rates;

(B) To assist low-income customers and disabled customers in obtaining affordable essential telecommunications services; and

(C) To pay the reasonable, audited costs of administering the MoUSF.

(15) Missouri Universal Service Fund Administrator (MoUSFA)—The agency, individual, firm, partnership, or corporation selected by the board to act as the independent neutral administrator of the MoUSF.]

(8) Lifeline Program—A federal/state program offering discounted essential local telecommunications service to qualifying low-income consumers.

([16]9) [MoUSF website—The MoUSF website is www.missouriusf.com or www.mousf.com. The website contains various forms and information as directed by the board regarding the administration of the MoUSF.] Missouri USF website—www.missouriusf.com.

([17]10) Net jurisdictional revenue— [Net jurisdictional revenue means all retail revenues received from end-user customers resulting from the provision of intrastate regulated and IVoIP services, but shall not include] Refers to a company's Missouri retail revenue received from end-user customers from the provision of intrastate regulated telecommunications and IVoIP services excluding revenue received from payphone [operations,] and shared tenant services, taxes, and uncollectibles.

(11) Retail broadband service – Refers to the capability of transmitting data to and receiving data from all or substantially all Internet endpoints and meeting the minimum service standards identified in 47 CFR Part 54.408.

(12) USF—Refers to Universal Service Fund.

[(18)Toll blocking—Toll blocking is a service provided by carriers that lets customers elect not to allow the completion of outgoing toll calls from their telecommunications channel.

(19) Toll control—Toll control is a service provided by carriers that allows customers to specify a certain amount of toll usage that may be incurred on their telecommunications channel per month or per billing cycle.

(20) Toll limitation—"Toll limitation service" denotes either toll blocking service or toll control service for eligible telecommunications carriers that are incapable of providing both services. For eligible telecommunications carriers that are capable of providing both services, "toll limitation" service denotes both toll blocking service and toll control service.

(21) Voice telephony service—refers to voice grade access to the public switched network or its functional equivalent; minutes of use for local service provided at no additional charge to end users; access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, to the extent the local government in an eligible carrier's service area has implemented 911 or enhanced 911 systems; and toll limitation services to qualifying Lifeline consumers. Toll limitation service does not need to be offered for any Lifeline service that does not distinguish between toll and non-toll calls in the pricing of the service.

(22) Wireless service—refers to commercial mobile radio service as identified in 47 CFR Parts 20 and 24.]

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, 2003, 2005, 2008; 392.248, RSMo 1996; and 392, 470.1, RSMo 1987). Original rule filed Aug. 15, 1997, effective April 30, 1998. Amended: Filed Oct. 30, 2002, effective July 30, 2003. Emergency amendment filed May 31, 2005, effective June 10, 2005, expired Feb. 15, 2006. Amended: Filed June 30, 2005, effective Feb. 28, 2006. Emergency amendment filed July 22, 2008, effective Aug. 1, 2008, expired Jan. 29, 2009. Amended: Filed July 22, 2008, effective Feb. 28, 2009. Emergency amendment filed May 18, 2012, effective June 1, 2012, expired Feb. 28, 2013. Amended: Filed May 30, 2012, effective Dec. 30, 2012. Amended: Filed Aug. 7, 2013, effective April 30, 2014.

PUBLIC COST: These proposed amendments will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: These proposed amendments 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 amendments 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 240-31.010

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 designated as eligible telecommunications carriers, telecommunications companies and IVoIP 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.

Companies designated as eligible telecommunications carriers, 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.