

**ORDER OF RULEMAKING**

By the authority vested in the State Board of Embalmers and Funeral Directors under sections 333.111 and 333.145, RSMo 2000, the board amends a rule as follows:

**4 CSR 120-2.080** Written Statement of Charges **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2004 (29 MoReg 890-891). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 220—State Board of Pharmacy  
Chapter 2—General Rules****ORDER OF RULEMAKING**

By the authority vested in the State Board of Pharmacy under sections 338.060 and 338.140, RSMo 2000, the board amends a rule as follows:

**4 CSR 220-2.100** Continuing Pharmacy Education **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 3, 2004 (29 MoReg 713-716). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements****ORDER OF RULEMAKING**

By the authority vested in the Public Service Commission under section 386.250, RSMo 2000, the commission rescinds a rule as follows:

**4 CSR 240-3.545** Filing Requirements for Telecommunications  
Company Rate Schedules **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on March 1, 2004 (29 MoReg 369). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The written public comment period ended April 12, 2004, and the commission held a public hearing on this proposed rescission April 19, 2004. The commission's staff filed comments in support of the rescission. No comments recommended specific changes to this proposed rescission.

RESPONSE: No changes have been made to the rescission as a result of the general comments. The commission has previously found that this rule rescission is necessary to carry out the purposes of sections 386.250 and 392.220, RSMo 2000.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT****Division 240—Public Service Commission  
Chapter 3—Filing and Reporting Requirements****ORDER OF RULEMAKING**

By the authority vested in the Public Service Commission under section 386.250, RSMo 2000, the commission adopts a rule as follows:

**4 CSR 240-3.545** is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on March 1, 2004 (29 MoReg 369-373). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The written public comment period ended April 12, 2004, and the commission held a public hearing on this proposed rule on April 19, 2004. The Office of the Public Counsel filed comments and testified generally in support of the proposed rule at the public hearing. The commission's staff filed comments and Natelle Dietrich, witness for staff, testified at the public hearing generally in support of the proposed rule, with the exception of section (12). Counsel for Southwestern Bell Telephone, LP d/b/a SBC Missouri filed written comments and Jason Olson, Director Regulatory testified generally that the proposed rule was unnecessary, but continued to support SBC's written comments if the commission moves forward with the proposed rule. Eight (8) written comments specifically addressed the proposed rule. At the public hearing, Natelle Dietrich, witness for staff, responded to the specific written comments.

RESPONSE: The commission has previously found that this proposed rule is necessary to carry out the purposes of section 386.250, RSMo.

**4 CSR 240-3.545(3)**

COMMENT: R. Matthew Kohly, district manager of AT&T; Richard Telthorst, president of the Missouri Telecommunications Industry Association; and Larry Dority, counsel for CenturyTel of Missouri, LLC and Spectra Communications Group, LLC, filed or concurred in comments recommending changes to this section to clarify that existing tariffs need not be amended solely to comply with the rule. At the public hearing, Natelle Dietrich, witness for staff, indicated there was never an intent to require companies to completely rewrite their tariffs or to resubmit tariffs that are currently in effect. Ms. Dietrich suggested a sentence be added to section (3) as follows: Unless specifically indicated elsewhere in the rule, tariff pages or sheets in effect as of the effective date of this rule are considered in compliance with the rule.

RESPONSE AND EXPLANATION OF CHANGE: The commission considered the comments and agrees that staff's suggested change to the proposed rule is appropriate because the intent of the rule is to provide guidance in preparing tariffs for submission to the commission, not to mandate changes to existing effective tariffs.

**4 CSR 240-3.545(4)**

COMMENT: Counsel for Southwestern Bell Telephone, LP d/b/a SBC Missouri filed comments objecting to the proposed rule because it would be unduly burdensome and oppressive for SBC Missouri to renumber its tariffs. At the public hearing, Natelle Dietrich, witness for staff, indicated there was never an intent to require companies to completely rewrite their tariffs or to resubmit tariffs that are currently in effect. Ms. Dietrich suggested a sentence be added to section (3) as follows: Unless specifically indicated, tariff pages or

sheets in effect as of the effective date of this rule are considered in compliance with the rule.

**RESPONSE:** The commission finds the change to section (3) should address SBC concerns. As previously stated, the intent of the rule is to provide guidance in preparing tariffs for submission to the commission, not to mandate changes to existing effective tariffs. No change to this section will be made as a result of the comments.

#### 4 CSR 240-3.545(7)

**COMMENT:** John Idoux, Senior Manager of Sprint filed comments submitting that the "issuing officer" has designated tariff responsibilities to a qualified representative and suggests the word "officer" be changed to "company designated representative." Connie Wightman, President of Technologies Management, Inc. filed comments suggesting that when preparing and reading tariffs electronically, it is preferred to have all relevant page information at the top of the page as opposed to using footers. At the public hearing, Natelle Dietrich, witness for staff, suggested section (7) be modified to state, "The name, title and address of the issuing officer or company designated representative shall appear in the marginal space at the bottom of the sheet." Ms. Dietrich also indicated that while the Telecommunications Department did not object to the request that page information appear in either the header or the footer, the Data Center indicated to Ms. Dietrich that there are technical limitations that would need to be considered. For instance, there would need to be enough space in a header for the Data Center to enter a new effective date in event of extensions. The Data Center also has to place an electronic stamp on each tariff requiring approximately a three-quarter by three-quarter inch space. Jason Olson, Director Regulatory provided verbal testimony objecting to the suggestion of Technologies Management to resubmit tariffs with new effective dates.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission has considered the comments and agrees that the suggested change to include "company designated representative" to the proposed rule is appropriate because the change will allow telecommunications providers more flexibility in preparing tariffs. However, in order to provide consistency in tariffs and avoid potential technical limitations, no changes will be made to the requirement that the name, title and address and issue and effective date appear at the bottom of the page or sheet.

#### 4 CSR 240-3.545(8)

**COMMENT:** Counsel for the Office of the Public Counsel filed written comments stating that this requirement is a reasonable requirement. Counsel for Southwestern Bell Telephone, LP d/b/a SBC Missouri filed comments objecting to the proposed rule and proposed it be modified in several sections. Jason Olson, Director Regulatory testified at the public hearing that SBC proposes to add language at the beginning of section (8) as follows: "Effective with tariff filings that are filed after - and then we'll insert a date - [] tariffs for all telecommunications services shall contain the following." SBC objects to subsection (8)(B) because there is no provision to account for companies that did not get their authority to operate from the commission. SBC proposes subsection (8)(C) be modified to reflect the practice of waiving rules to companies seeking certification and competitive classification. SBC objects to subsection (8)(D) because information on rates and services is readily available on company websites or through customer service representatives. SBC objects to subsections (8)(F) and (G) because they would require SBC to make extensive changes to its existing tariffs. SBC objects to subsection (8)(H) because it would be more practical for it to list exchanges alphabetically by rate group rather than simply alphabetically.

R. Matthew Kohly, district manager of AT&T, filed comments objecting to subsection (8)(G) because the section is unlawfully reg-

ulating the marketing and advertising of intrastate telecommunications services. AT&T recommends subsection (8)(H) be limited only to tariffs for basic local exchange service. AT&T also suggests it should be allowed to list alphabetically by incumbent local exchange carrier. AT&T and Connie Wightman, President, Technologies Management, Inc., suggested that a competitive carrier be allowed to concur in the list of exchanges contained in the tariff of the incumbent.

At the public hearing, Natelle Dietrich, witness for staff, clarified that the intent of the rule was to regulate intrastate tariffs and what those tariffs look like. Ms. Dietrich supported SBC's changes to subsections (8)(B), (C), and (D). Ms. Dietrich did not support SBC's proposed change to subsection (8)(G), but instead proposed modifying the introductory paragraph of the section as follows: "Tariffs for all telecommunications services shall contain the following information and shall be updated as changes occur. For new tariffs filed after the effective date of this rule, information contained in sections (A) through (F) will appear at the beginning of the company's tariff." For subsection (8)(H), Ms. Dietrich proposed a change incorporating the written comments of multiple parties as follows: "For competitive and incumbent local exchange telecommunications carriers, a tariff shall contain an alphabetical list of the exchange area service by rate group if applicable, including state name if other than Missouri. Competitive local exchange carrier shall be permitted to provide an alphabetical list of the exchange area by incumbent local exchange carrier. Areas served with basic local exchange service must follow exchange boundaries of the incumbent local exchange telecommunications company and also must be no smaller than an exchange absent a ruling by the Commission under 392.200.2(b) RSMo 2000." Ms. Dietrich objected to the recommendation that companies be allowed to concur in the exchange list of the incumbent.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission has considered the comments and agrees that the suggested changes to the proposed rule as supported by staff are appropriate because the changes will allow telecommunications providers more flexibility in preparing tariffs. The commission agrees with Ms. Dietrich, witness for staff, that companies should not be allowed to concur in the exchange list of the incumbent. By having the list of exchanges in each tariff, it is easier for the commission, staff, the Office of the Public Counsel and others to search the tariffs and clearly understand the exchanges being served by the telecommunications carrier.

#### 4 CSR 240-3.545(9)

**COMMENT:** Counsel for Southwestern Bell Telephone, LP d/b/a SBC Missouri filed written comments objecting to the proposed rule to the extent it could be interpreted to require SBC to refile all its tariffs. John Idoux, Senior Manager of Sprint filed comments stating that the proposed language differs slightly from language used in Sprint tariffs. Sprint suggested alternate language. Connie Wightman, President, Technologies Management, Inc. filed comments suggesting that companies be allowed to file check sheets. At the public hearing, Ms. Dietrich, witness for staff, proposed this section be modified to address SBC and Sprint concerns. Ms. Dietrich also testified that check sheets are not used in Missouri because they are often inaccurate. Ms. Dietrich stated that it would not object if companies included check sheets in tariffs, but did not support incorporating check sheet language in the rule. Jason Olson, Director Regulatory SBC testified that the subsection should be prospective.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission has considered the comments and agrees that the suggested changes staff proposed at the public hearing are appropriate because the changes will allow telecommunications providers more flexibility in preparing tariffs. The commission agrees with Ms. Dietrich,

witness for staff, that check sheets could be filed in Missouri but will not be supported by rule language.

#### 4 CSR 240-3.545(10)

COMMENT: Connie Wightman, President, Technologies Management, Inc. filed comments suggesting this section be expanded such that "an authorized agent" be allowed to submit tariffs on a company's behalf.

RESPONSE AND EXPLANATION OF CHANGE: The commission has considered this comment and agrees that the suggested change will allow telecommunications providers more flexibility in submitting tariffs.

#### 4 CSR 240-3.545(12)

COMMENT: Counsel for the Office of the Public Counsel filed written comments underscoring its support of the revisions to section (12), noting the rule makes specific the minimum notice items that a telecommunications company must include in the documents accompanying its tariff filings that implement changes in the terms and conditions of its services, including rate changes. R. Matthew Kohly, district manager of AT&T; Carl Lumley, counsel for MCI; Richard Telthorst, president of the Missouri Telecommunications Industry Association; and Larry Dority, counsel for CenturyTel of Missouri, LLC and Spectra Communications Group, LLC; Counsel for Southwestern Bell Telephone, LP d/b/a SBC Missouri; John Idoux, Senior Manager of Sprint; Connie Wightman, president of Technologies Management, Inc.; and the Telecommunications Department Staff filed or concurred in comments objecting to the proposed rule as difficult and burdensome and recommended several changes. At the public hearing, Michael Dandino, Counsel for OPC testified strongly in favor of the rule change stating it was substantially as Public Counsel proposed to address information missing in the present filings. Ms. Dietrich, staff witness, testified in opposition to this section as excessive and should not replace the review process that takes place when a company files tariffs. Ms. Dietrich noted the documents requested by OPC are review documents that should be available from any company upon request by Staff or OPC. Jason Olson, Director Regulatory for SBC added language not included in written comments proposing to modify the second sentence as follows: "A proposed change shall be submitted in the form of revised tariff accompanied by a cover letter. At least 10 days in advance of a tariff's effective date all telecommunications companies shall file [ ] a copy of any customer notice sent or required to be sent to the proposed changes." Mr. Olson also testified in support of SBC's written comments and addresses the comments of other commenters.

RESPONSE AND EXPLANATION OF CHANGE: The commission has considered these comments and finds the arguments supporting a change to this section persuasive. The purpose of this section is to outline the information to be contained in the cover letter accompanying the filing. OPC seems to be requesting additional documentation, which also may be appropriate in certain circumstances. The proposed rule will be changed as suggested in staff's written comments. An additional requirement will be added to address the need for supporting documentation for filings.

#### 4 CSR 240-3.545(13)

COMMENT: R. Matthew Kohly, district manager of AT&T, filed comments suggesting the rule is duplicative and unnecessary. AT&T suggests companies should be permitted to use the clear and concise statement in EFIS in lieu of the cover letter. At the public hearing, staff witness, Natelle Dietrich, supported AT&T's comment and suggested the rule be modified to allow companies to use the EFIS statement in lieu of the cover letter as long as it provides all information contained in section (12).

RESPONSE AND EXPLANATION OF CHANGE: The commission has considered this comment and finds the rule should be changed as suggested by staff witness, Natelle Dietrich, to allow companies more flexibility in making tariff filings

#### 4 CSR 240-3.545(14)

COMMENT: Richard Telthorst, president of the Missouri Telecommunications Industry Association; and Larry Dority, counsel for CenturyTel of Missouri, LLC and Spectra Communications Group, LLC; Counsel for Southwestern Bell Telephone, LP d/b/a SBC Missouri; John Idoux, Senior Manager of Sprint filed or concurred in comments suggesting that this section be modified to allow related tariff filings impacting multiple PSC Mo. Nos. to be linked together in EFIS for commission processing and action. At the public hearing, Natelle Dietrich, staff witness, acknowledged that this request is reasonable, but explained that such a recommendation is not technically feasible in EFIS at this time. Ms. Dietrich suggested the section be modified to indicate that related tariff filings impacting multiple PSC Mo. Nos. tariffs shall be linked together when technically feasible. Jason Olson, Director Regulatory of SBC testified that SBC's proposed language is superior to the language of other parties because it makes it explicitly clear that tariff filings while filed separately are linked together.

RESPONSE AND EXPLANATION OF CHANGE: The commission has considered this comment and recognizes the companies' objections. However, as staff witness, Ms. Dietrich testified, EFIS is not currently able to accommodate such a request. The section will be modified as proposed by Ms. Dietrich so that linking will be allowed at such time as it is technically feasible.

#### 4 CSR 240-3.545(15)

COMMENT: Counsel for the Office of the Public Counsel filed written comments supporting the customer notification requirements of this section. Carl Lumley, Counsel for MCI filed comments suggesting the cross-reference appears in error. Richard Telthorst, president of the Missouri Telecommunications Industry Association; and Larry Dority, counsel for CenturyTel of Missouri, LLC and Spectra Communications Group, LLC; Counsel for Southwestern Bell Telephone, LP d/b/a SBC Missouri; John Idoux, Senior Manager of Sprint filed or concurred in comments that a requirement that notice was sent is not always feasible. Several suggestions were proposed to allow notice to be sent in the future. R. Matthew Kohly, district manager of AT&T, filed comments suggesting the rule is duplicative and unnecessary. At the public hearing, staff witness, Natelle Dietrich, recognized the concerns of the parties, but proposed alternate language requiring a copy of the notice that was sent or will be sent to customer with a positive affirmation that the notice was sent or will be sent at least ten (10) days in advance of the rate's effective date.

RESPONSE AND EXPLANATION OF CHANGE: The commission has reviewed the comments and recognizes the cross-reference to 4 CSR 240-33.040(3) should be corrected. The commission finds the rule should also be changed as proposed by staff at the public hearing to address the companies' concerns about when customer notice is sent. The commission declines to remove language as suggested by AT&T. Section (12) refers to customer notice for any changes resulting from tariff filings. Section (15) outlines customer notification requirements specifically associated with rate increases.

#### 4 CSR 240-3.545(16)

COMMENT: John Idoux, Senior Manager of Sprint filed comments recommending that for the introduction of new services, the companies provide the commission with seven (7) days notice. At the public hearing, staff witness, Natelle Dietrich, objected to this proposal noting that tariff filing requirements are typically dictated by statutory guidelines.



RESPONSE: The commission has considered the comments and agrees with staff witness Dietrich that statutes and rules typically require at least a thirty (30)-day tariff filing to provide notice to the commission. No changes will be made to this section based on comments received.

4 CSR 240-3.545(17)

COMMENT: Richard Telthorst, president of the Missouri Telecommunications Industry Association; and Larry Dority, counsel for CenturyTel of Missouri, LLC and Spectra Communications Group, LLC filed or concurred in comments suggesting the section be modified to indicate that when filed in compliance with a commission order, the proposed effective date of a tariff may be less than thirty (30) days. The commenters suggest the addition would avoid the additional time and expense associated with filing a separate motion to implement on less than thirty (30) days. Jason Olson, Director Regulatory of SBC testified that SBC does not object to MCI's proposed language.

RESPONSE: Staff believes that the rules require that the effective date be thirty (30) days from the date of filing but that the commissioner has the authority to waive this requirement.

4 CSR 240-3.545(19)

COMMENT: Richard Telthorst, president of the Missouri Telecommunications Industry Association; and Larry Dority, counsel for CenturyTel of Missouri, LLC and Spectra Communications Group, LLC; John Idoux, Senior Manager of Sprint; and Counsel for Southwestern Bell Telephone, LP d/b/a SBC Missouri filed or concurred in comments suggesting the rule be modified to indicate promotions are allowed for competitive services, not competitive companies. At the public hearing staff witness, Natelle Dietrich, supported these comments and suggested "companies" be replaced with "services" each time it appears in the section. Ms. Dietrich also recommended the parenthetical reference to ILECs be removed with this change.

RESPONSE AND EXPLANATION OF CHANGE: The commission has considered the comments and finds the section should be modified to allow non-competitive companies with competitive services to offer promotions on those competitive services in the same manner as allowed for competitive companies.

4 CSR 240-3.545(20)

COMMENTS: Richard Telthorst, president of the Missouri Telecommunications Industry Association; and Larry Dority, counsel for CenturyTel of Missouri, LLC and Spectra Communications Group, LLC; John Idoux, Senior Manager of Sprint; and Counsel for Southwestern Bell Telephone, LP d/b/a SBC Missouri filed or concurred in comments noting that customer notice of name change should be at the company's discretion because the name change does not always rise to a change effecting customer recognition of the service provider. At the public hearing Natelle Dietrich, staff witness, suggested the last sentence of the section be modified to require customer notification for any name change affecting customer recognition of the company. Jason Olson, Director Regulatory of SBC testified that SBC supports the comments of Sprint and MCI.

RESPONSE AND EXPLANATION OF CHANGE: The commission has considered the comments and finds the section should be modified as proposed by staff. The modification would allow the company discretion in sending customer notification, but would also allow the commission, staff and the Office of the Public Counsel to request customer notification if there is a discrepancy in what is considered "customer recognition."

4 CSR 240-3.545(22)

COMMENTS: Counsel for the Office of the Public Counsel filed general comments on this section. Connie Wightman, president of

Technologies Management, Inc. filed a comment recommending the rule be revised to accommodate different contacts for different operational areas. At the public hearing, staff witness, Natelle Dietrich, noted EFIS already provides a source for inputting various company contacts. The rule requires the company to provide the Telecommunications Department with a regulatory contact, realizing that additional contacts could be found in EFIS if needed.

**4 CSR 240-3.545 Filing Requirements for Telecommunications Company Tariffs**

(3) A tariff will be considered as continuing in force until amended in the manner provided for in this rule. Unless specifically indicated in another section of this rule, tariff pages or sheets in effect as of the effective date of this rule are considered in compliance with the rule.

(7) The name, title and address of the issuing officer or company-designated representative shall appear in the marginal space at the bottom of the sheet. The marginal space at the bottom of the sheet shall also include the notation "Issued, \_\_\_\_ 20 \_\_\_\_; effective, \_\_\_\_ 20 \_\_\_\_".

(8) Tariffs for all telecommunications services shall contain the following information and shall be updated as changes occur. For new tariffs filed after the effective date of this rule, information contained in subsections (8)(A) through (F) will appear at the beginning of the company's tariff.

(B) If applicable, certification authority granted by the commission, including case number(s);

(C) Waivers of Missouri Statutes and Commission Rules as granted by the commission in connection with certification to provide service. Include case number(s) if other than case number(s) listed in subsection (8)(B);

(D) The address, telephone number and website or e-mail address, along with any other suitable means of communications, to which the general public can make requests for information on rates and services;

(G) For each service, tariffs shall provide the following:

1. The name of the service, which clearly identifies the regulated intrastate offering, as it will be advertised and offered to the customer. Any service name that references a rate will accurately reflect the applicable intrastate rate(s) for the service;

2. A detailed description of the service offered;

3. The specific rates and charges in U.S. dollars and the period of time covered by the rate or charge; and

4. Any terms and customer requirements that affect the rates or charges for the service.

(H) For competitive and incumbent local exchange telecommunications carriers, a tariff shall contain an alphabetical list of the exchange area service by rate group if applicable, including state name if other than Missouri. Competitive local exchange carrier shall be permitted to provide an alphabetical list of the exchange area by incumbent local exchange carrier. Areas served with basic local exchange service must follow exchange boundaries of the incumbent local exchange telecommunications company and also must be no smaller than an exchange absent a ruling by the commission under section 392.200.2(b), RSMo 2000.

(9) All new tariffs or all new pages added to tariffs shall be designated as an original sheet (page). All changes to tariffs must be designated substantially as follows: "First revised sheet (page) canceling (cancels, replaces) original sheet," "Second revised sheet (page) canceling (cancels, replaces) first revised sheet (page)," etc. and must contain reference marks denoting changes.

(10) A tariff shall be filed with the commission by a duly-designated official or an authorized agent of the telecommunications company.

(12) Subject to *Missouri Revised Statutes* and commission rules, all telecommunications companies shall file with the commission any changes in rates, charges or rules that affect rates or charges. A proposed change shall be submitted in the form of a revised tariff accompanied by a cover letter and a copy of any customer notice sent or required to be sent as a result of the proposed change. The cover letter should be limited to approximately one hundred (100) words or less. A copy of the cover letter and any proposed change shall be filed with the commission or submitted electronically through the commission's electronic filing and information system (EFIS), shall be served on the Office of the Public Counsel. A copy of the proposed change(s) shall be made available for public inspection and reproduction at the company's principal operating office or on its website. The cover letter shall identify each proposed change, provide a brief summary of each proposed change, and provide the requested effective date of the revised tariff. The summary shall identify each product, service, or category of services that will be affected by the proposed change and shall identify the change in the terms and conditions that the company proposes for that product, service, or category of services including any change or adjustment in the price or fee for that product or service. Upon request by commission staff or the Office of the Public Counsel, a telecommunications company shall provide supporting documentation for each change or adjustment in prices or fees. A request for supporting documentation shall be made within five (5) business days of the filing and responses shall be provided within five (5) business days of receipt of the request for supporting documentation. The documentation shall identify:

- (A) The current price or fee;
- (B) The proposed price or fee;
- (C) Whether the change or adjustment results in an increase or decrease in price; and
- (D) The percentage change in price.

(13) All telecommunications companies are required to provide a clear and concise statement as to the purpose of the filing when submitting any tariff filing electronically through EFIS. This statement may be in lieu of the cover letter required in 4 CSR 240-3.545(12) providing it contains all the information required of cover letters as outlined in 4 CSR 240-3.545(12). This statement shall be entered on the appropriate EFIS tariff submission screen.

(14) All telecommunications companies are required to submit revisions to each PSC Mo. No. as a separate filing to be assigned a separate tracking number in EFIS. Related tariff filings impacting multiple PSC Mo. No. tariffs shall be linked together, when technically feasible.

(15) All telecommunications companies are required to submit to the commission with the tariff filing, a copy of the notification of rate increases that was sent or will be sent to customers pursuant to 4 CSR 240-33.040(4) and a positive affirmation in writing that the notice was sent or will be sent to customers at least ten (10) days in advance of the rate's effective date.

(19) Promotions are those service offerings that provide a reduction or waiver of a tariffed rate for a limited period of time. Promotions are allowed to go into effect after seven (7) days prior notice to the commission for competitive services and after ten (10) days prior notice to the commission for noncompetitive services. Promotions must be offered under tariff, and prior notification to the commission via a tariff filing is required. Promotions must have established start and end dates and must be offered in a nondiscriminatory manner.

(20) In the case of a change of name, the telecommunications company shall issue immediately and file with the commission an adoption notice substantially as follows: "The (name of telecommunications company) hereby adopts, ratifies and makes its own, in every respect as if the same had been originally filed by it, all tariffs filed with the Public Service Commission, State of Missouri, by the (name of telecommunications company) prior to (date) or the telecommunications company shall file a new tariff under the new name." Specific requirements for filings regarding company name changes are contained in Chapter 2 of the commission's rules in rule 4 CSR 240-2.060. In addition to filing the items in 4 CSR 240-2.060, applicant must notify its customers at or before the next billing cycle of any name change affecting customer recognition of the company and file a copy of that notice with the adoption notice.

(22) Within six (6) months of the effective date of the rule, all telecommunications companies shall update the commission's electronic filing system with the current name, address, telephone number and e-mail address for the regulatory contact person within the telecommunications company. This information shall be updated in the electronic filing system within ten (10) business days of when changes occur.

#### Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 3—Filing and Reporting Requirements

#### ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 386.250, RSMo 2000, the commission amends a rule as follows:

#### 4 CSR 240-3.555 Telecommunications Company Residential Customer Inquiries is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2004 (29 MoReg 374). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The written public comment period ended March 30, 2004, and the commission held a public hearing on this proposed amendment April 23, 2004. Natelle Dietrich of the commission's staff filed comments and testified at the public hearing generally in support of the amendment. Michael Dandino of the Office of the Public Counsel also testified generally in support of the amendment at the public hearing. Mimi MacDonald, counsel for Southwestern Bell Telephone, LP d/b/a SBC Missouri, testified generally that the proposed amendment was unnecessary. No comments recommended specific changes to this proposed amendment.

**RESPONSE:** No changes have been made to the amendment as a result of the general comments. The commission has previously found that this rule amendment is necessary to carry out the purposes of sections 386.040, 386.250, 392.200 and 392.540, RSMo.

**COMMENT:** Michael Dandino of the Office of the Public Counsel testified that the rules should be expanded to apply to small businesses and suggested limiting the definition of small business customer to businesses with fewer than ten (10) employees.

**RESPONSE:** This would require a change to the definition of "customer," and has a significant impact on all rules within this chapter, including rules not raised in this rulemaking proceeding. No fiscal analysis has been performed on this proposal. Such an amendment