

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of Proposed Amendments to     )  
the Missouri Universal Service Fund Rules     )

Case No. TX-2005-0460

**FISCAL NOTE REVIEW MEMORANDUM**

COMES NOW the Staff of the Missouri Public Service Commission ("Staff") and states:

1. In the Memorandum attached as Appendix A, the Staff advises the Commission that the Staff conducted a review of the fiscal estimates from the rule changes adopted in this case and has determined that no fiscal estimate changes need to be filed with the Secretary of State.

2. This rulemaking made changes to the Commission's rules governing the operations of the Missouri Universal Service Fund. The Commission's Orders of Rulemaking appeared in the January 3, 2006 *Missouri Register*, Volume 31, Number 1, at pages 47 through 51, amending rules at 4 CSR 240-3.020, 4 CSR 240-31.010, 4 CSR 240-31.030, 4 CSR 240-31.050, 4 CSR 240-31.060 and 4 CSR 240-31.080. The rules became effective on February 28, 2006, 30 days after their publication in the *Code of State Regulations*.

3. Section 536.200.2 RSMo. (2000) requires agencies to make a filing with the Secretary of State if, after the first full year after implementation, the cost of the rule exceeds the agency estimate. The first full fiscal year after the rules became effective was the fiscal year beginning July 1, 2006 and ending June 30, 2007.

WHEREFORE, Staff respectfully submits the attached Memorandum.

Respectfully submitted,

**/s/ David A. Meyer**

David A. Meyer  
Senior Counsel  
Missouri Bar No. 46620

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Missouri Public Service Commission  
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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 31st day of July 2007.

**/s/ David A. Meyer**

# MEMORANDUM

To: Missouri Public Service Commission Official Case File  
Case No. TX-2005-0460

From: Natelle Dietrich  
Telecommunications Department

John Van Eschen / July 31, 2007  
Utility Operations Division/Date

David A. Meyer / July 31, 2007  
General Counsel's Office/Date

Subject: Missouri Universal Service Fund Rulemaking Fiscal Analysis Review

Date: July 30, 2007

The Secretary of State (SOS) published the Commission's Final Orders of Rulemaking which proposed amendments to Commission rules, 4 CSR 240-31.010, 31.030, 31.050, 31.060 and 31.080, and were the subject of Case No. TX-2005-0460. The rules modified USF customer eligibility, verification and reporting requirements. The rule became effective September 30, 2005.

Section 536.200.2 RSMo 2000 requires agencies to make a filing with the SOS if, after the first full fiscal year after implementation, the cost of the rule has exceeded by ten percent or more the estimated cost in the fiscal note or has exceeded five hundred dollars if the proposed cost was estimated to be less than five hundred dollars. The Commission's General Procedure 1 (GP-1) requires a Staff investigation of the fiscal impact to begin thirty days prior to end of first full fiscal year. According to the GP, Staff is to prepare a memorandum within thirty days after the end of the first full fiscal year if costs are less than 10% or \$500, where appropriate. If costs are more than 10% or \$500, the General Counsel prepares a filing for action by the Regulatory Law Judge.

This memorandum advises the Commission that Staff has not discovered any information that would show the cost estimates associated with the rule were not accurate. Additionally, Staff has contacted the industry for input on the fiscal review. Staff has not received any information from any party potentially or actually affected by the implementation of this rule that would indicate the public or private cost estimates as published in the Missouri Register were not accurate.

Since the Staff's investigation indicates the published cost estimates related to the implementation of 4 CSR 240-31.010, 31.030, 31.050, 31.060 and 31.080 have not been exceeded, no Missouri Register publication is required under Section 536.200.2.

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In the Matter of the Proposed Amendments    )  
to the Missouri Universal Service Fund        )  
Rules    )

Case No. TX-2005-0460

**AFFIDAVIT OF   Natelle Dietrich**

STATE OF MISSOURI                        )  
  ) ss:  
COUNTY OF COLE                        )

Natelle Dietrich, employee of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that she prepared the accompanying Memorandum, and that the facts therein are true and correct to the best of her knowledge and belief.

*Natelle Dietrich*  
Natelle Dietrich

Subscribed and affirmed before me this 31<sup>st</sup> day of July 2007.  
I am commissioned as a notary public within the County of Callaway,  
State of Missouri and my commission expires on 9-21-10



SUSAN L. SUNDERMEYER  
My Commission Expires  
September 21, 2010  
Callaway County  
Commission #06942088

*Susan L. Sundermeyer*  
NOTARY PUBLIC