



may be waived, shall contain information as follows:

(A) Specific indication of the statute, rule or tariff from which the variance or waiver is sought;

(B) The reasons for the proposed variance or waiver and a complete justification setting out the good cause for granting the variance or waiver; and

(C) The name of any public utility affected by the variance or waiver.

(5) A name change may be accomplished by filing the items below with a cover letter requesting a change of name. Notwithstanding any other provision of these rules, the items required herein may be filed by a nonattorney. Applications for approval of a change of name shall include:

(A) A statement, clearly setting out both the old name and the new name;

(B) Evidence of registration of the name change with the Missouri secretary of state; and

(C) Either an adoption notice and revised tariff title sheet with an effective date which is not fewer than thirty (30) days after the filing date of the application, or revised tariff sheets with an effective date which is not fewer than thirty (30) days after the filing date of the application.

(6) In addition to the general requirements set forth above, the requirements found in Chapter 3 of the commission's rules pertaining to the filing of various types of applications must also be met.

AUTHORITY: sections 386.250 and 386.410, RSMo 2000. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed Nov. 7, 1984, effective June 15, 1985. Amended: Filed Sept. 6, 1985, effective Dec. 15, 1985. Amended: Filed Feb. 3, 1987, effective May 1, 1987. Amended: Filed May 11, 1988, effective Aug. 11, 1988. Amended: Filed Feb. 5, 1993, effective Oct. 10, 1993. Rescinded and readopted: Filed March 10, 1995, effective Nov. 30, 1995. Rescinded and readopted: Filed Aug. 24, 1999, effective April 30, 2000. Amended: Filed Aug. 16, 2002, effective April 30, 2003.*

**Original authority: 386.410, RSMo 1939, amended 1947, 1977, 1996.*

State ex rel. Kansas City Transit, Inc. v. Public Service Commission, 406 SW2d 5 (Mo banc 1966). Commission is an administrative body of powers limited to those expressly granted by statute or necessary or proper to effectuate statutory purpose. Commission's authority to regulate does not

include right to dictate manner in which company conducts its business.

4 CSR 240-2.061 Filing Requirements for Applications for Expanded Local Calling Area Plans Within a Community of Interest

PURPOSE: The purpose of this rule is to implement a process for the commission to entertain requests for expanded local calling area plans that provide toll-free or discounted calling within a community of interest.

(1) Definitions. For the purposes of 4 CSR 240-2.061 the following definitions are applicable:

(A) Alternative local exchange telecommunications company is a local exchange telecommunications company certified by the commission to provide basic or nonbasic local telecommunications service or switched exchange access service, or any combination of such services, in a specific geographic area subsequent to December 31, 1995.

(B) Community of interest is a group of people connected by a common calling interest or need. Community of interest includes, but is not limited to, community calling to medical services providers, educational institutions, governmental or social service offices, and commercial centers.

(C) Expanded local calling area plan(s) is a plan(s) that provides toll-free or discounted calling prices to designated exchanges within a community of interest.

(D) Illustrative tariff sheets are tariff sheets which comply with 4 CSR 240-3.545 except that such tariff sheets do not contain an issued and effective date.

(E) Incumbent local exchange telecommunications company is a local exchange telecommunications company authorized to provide basic local telecommunications service in a specific geographic area as of December 31, 1995, or a successor in interest to such company.

(F) Inter-carrier compensation describes the financial arrangement used to compensate other telecommunications carriers for the use of their respective facilities in transmitting a telecommunications call.

(G) Local exchange telecommunications service is telecommunications service between points within an exchange.

(H) Metropolitan calling area (MCA) is an expanded calling area in the three (3) metropolitan areas allowing calling within and/or to metropolitan exchanges around St. Louis, Kansas City and Springfield at tiered rates. MCA telecommunications traffic origi-

nates, transits, and/or terminates pursuant to terms and conditions the Public Service Commission established in MoPSC Case Numbers TO-92-306 and TO-99-483 or as subsequently modified by commission order or rule.

(I) Subscribers are persons or companies that have contracted to receive telecommunications services.

(2) An application filed with the commission shall initiate a request for an expanded local calling area plan. The specific provisions herein shall supersede general rules contained elsewhere in this chapter. An application may be filed on behalf of:

(A) At least fifteen percent (15%) of the incumbent local exchange telecommunications service subscribers within the requesting exchange; or

(B) A governing body of a municipality or school district within the requesting exchange.

(3) The application shall comply with 4 CSR 240-2.060 and shall clearly identify and include:

(A) A description of the expanded local calling area plan;

(B) A statement explaining how the proposed plan will satisfy the objectives of the community of interest;

(C) The proposed price and terms of the plan;

(D) A statement of whether the proposed plan will be optional or mandatory for all customers in the expanded local calling scopes;

(E) A statement as to the toll or local classification of the calling plan traffic and associated inter-company compensation, if any, to be utilized to facilitate the plan; and

(F) A petition, if initiated by incumbent local exchange service subscribers as described in subsection (2)(A) above, which shall include the signatures of such subscribers, and only one (1) signature per subscriber is allowed.

(4) Each page of a petition attached to an application shall clearly identify the information in subsections (3)(A), (3)(C), (3)(D) and (3)(E) above.

(5) The commission will provide notice of the filing of the application to all local exchange telecommunications companies in the affected area. The filing of the application will initiate an Electronic Filing and Information



System (EFIS) notification to all interexchange telecommunications carriers. All notifications shall include instructions on how to obtain a copy of the application.

(6) Any incumbent local exchange telecommunications company serving any exchange proposed to be affected by the application shall automatically be made a party to the case.

(7) Within sixty (60) days after the filing of the application, the commission shall convene a conference of the parties. The purpose of the conference is to discuss, at a minimum, the application and determine if any modifications should be made to the application.

(8) During the conference in section (7) above, the parties shall explore how the application's proposal could be technically implemented in the most efficient manner consistent with the community of interest. The parties shall also explore the appropriate intercarrier compensation arrangement. If the application proposes a mandatory toll-free plan or an expansion of the metropolitan calling area plan, the parties shall explore an intercarrier compensation arrangement that does not involve access charges.

(9) The applicant shall file with the commission either a statement that the application remains unchanged or alternatively identify specific modifications to the application as a result of the conference in section (7) above.

(10) Within ten (10) days after the applicant's filing in section (9) above, any party objecting to the application as proposed may file with the commission, a pleading explaining why the applicant's proposal is not acceptable.

(11) Within ninety (90) days after the commission issues an order ruling on objections to the technical sufficiency of the application or, if none, within ninety (90) days after the filing in section (9) above, any telecommunications carrier directly affected by the proposal shall file illustrative tariff sheets to implement the applicant's proposal.

(12) The illustrative tariff sheets shall identify all rate adjustment(s) necessary to implement the applicant's proposal. The company shall simultaneously file supporting documentation if it proposes to increase or establish new rates designed to maintain revenue neutrality, including the recovery of any new costs associated with implementing the proposal.

(13) The commission may hold public hearings and/or meetings in locations affected by the application.

(14) After receipt of the illustrative tariff sheets in section (12) above, the commission may hold a hearing or other appropriate proceeding. The parties will provide evidence to assist the commission in its findings.

(15) The commission, in its findings, will determine whether the proposed calling plan is just, reasonable, affordable, and in the public interest. In making these determinations, the commission will consider evidence on the competitive alternatives available, competitive implications, revenue impacts, and company and social costs of implementing the proposed expanded calling plans balanced against the objectives of the community of interest. The commission will also weigh any costs against benefits to the community of interest when making its determination.

(16) Based on the evidence in the record, the commission may modify the proposed rates, terms or conditions in its decision on the application.

AUTHORITY: section 386.250, 392.240, 392.250 and 392.470, *RSMo 2000 and 392.200, RSMo Supp. 2004.* Original rule filed March 4, 2005, effective Oct. 30, 2005.*

**Original authority: 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; 392.200, RSMo 1939, amended 1987, 1988, 1996, 2003; 392.240, RSMo 1939, amended 1987; 392.250, RSMo 1939, amended 1987; and 392.470, RSMo 1987.*

4 CSR 240-2.065 Tariff Filings Which Create Cases

PURPOSE: *This rule establishes when a case shall be opened for a tariff.*

(1) A general rate increase request is one where the company or utility files for an overall increase in revenues through a company-wide increase in rates for the utility service it provides, but shall not include requests for changes in rates made pursuant to an adjustment clause or other similar provisions contained in a utility's tariffs. When a public utility submits a tariff which constitutes a general rate increase request, the commission shall establish a case file for the tariff. The tariff and all pleadings, orders, briefs, and correspondence regarding the tariff shall be filed in the case file established for the tariff. The tariff submitted shall be in compliance with the provisions of the rules relating to the

separate utilities. A tariff filed which proposes a general rate increase request shall also comply with the minimum filing requirements of these rules for general rate increase requests. Any public utility which submits a general rate increase request shall simultaneously submit its direct testimony with the tariff.

(2) Except when the Commission orders the filing of a tariff, when a public utility submits a tariff for commission approval but requests the tariff become effective in fewer than thirty (30) days, the commission shall establish a case file for the tariff. In addition, the public utility shall file a Motion for Expedited Treatment and comply with the expedited treatment portion of these rules. The tariff and all pleadings, orders, briefs, and correspondence shall be filed in the case file established for the tariff.

(3) When a pleading, which objects to a tariff or requests the suspension of a tariff, is filed, the commission shall establish a case file for the tariff and shall file the tariff and pleading in that case file. All subsequent pleadings, orders, briefs, and correspondence concerning the tariff shall be filed in the case file established for the tariff. Any pleading to suspend a tariff shall attach a copy of the tariff and include a certificate of service to confirm that the party who submitted the tariff has been served with the pleading.

(4) A case will not be established to consider tariff sheets submitted by a regulated utility which do not meet the circumstances of sections (1)–(3) of this rule, except that a case shall be established when tariff sheets are suspended by the commission on its own motion or, when suspended, upon the recommendation of staff.

(5) When a public utility extends the effective date of a tariff, it shall file one (1) original, and eight (8) copies of a letter extending the tariff effective date in the official case file. Notwithstanding any other provision of these rules, this letter may be filed by a nonattorney.

AUTHORITY: section 386.410, *RSMo Supp. 1998.* Original rule filed March 10, 1995, effective Nov. 30, 1995. Rescinded and readopted: Filed Aug. 24, 1999, effective April 30, 2000.*

**Original authority: 386.410, RSMo 1939, amended 1947, 1977, 1996.*