

**Robin Carnahan**

Secretary of State  
Administrative Rules Division

**RULE TRANSMITTAL**

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**DEC 16 2009**

**SECRETARY OF STATE  
ADMINISTRATIVE RULES**

Rule Number 4 CSR 240-33.160 Customer Proprietary Network Information

Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.

FILED  
December 17, 2009  
Data Center  
Missouri Public  
Service Commission

Name of person to call with questions about this rule:

Content Morris L. Woodruff Phone 573-751-2849 FAX 573-526-6010

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Data Entry Morris Woodruff Phone 573-751-2849 FAX 573-526-6010

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**TYPE OF RULEMAKING ACTION TO BE TAKEN**

☐ Emergency rulemaking, include effective date

☒ Proposed Rulemaking

☐ Withdrawal ☐ Rule Action Notice ☐ In Addition ☐ Rule Under Consideration

☐ 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

DEC 16 2009

ADMINISTRATIVE RULES



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***Missouri Public Service Commission***

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**WESS A. HENDERSON**  
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**DANA K. JOYCE**  
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Director, Utility Services

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Director, Utility Operations

**STEVEN C. REED**  
Secretary/General Counsel

**KEVIN A. THOMPSON**  
Chief Staff Counsel

December 16, 2009

Robin Carnahan  
Secretary of State  
Administrative Rules Division  
600 West Main Street  
Jefferson City, Missouri 65101

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**SECRETARY OF STATE  
ADMINISTRATIVE RULES**

Re: 4 CSR 240-33.160 Customer Proprietary Network Information

Dear Secretary Carnahan,

**CERTIFICATION OF ADMINISTRATIVE RULE**

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

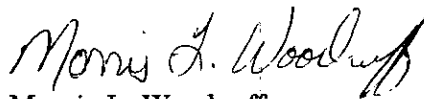
The Public Service Commission has determined and hereby certifies that this proposed rulemaking will not have an economic impact on small businesses. The Public Service Commission further certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo 2000, that the proposed rulemaking does not constitute a taking of real property under relevant state and federal law, and that the proposed rulemaking conforms to the requirements of HB 191, Section 1, regarding user fees.

The Public Service Commission has determined and hereby also certifies that this proposed rulemaking complies with the small business requirements of HB 191, Section 1, in that it does not have an adverse impact on small businesses consisting of fewer than twenty-five 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 HB 191, by exempting any small business consisting of fewer than twenty-five 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 386.410, 386.250, 392.185(9), 392.470, RSMo 2000

If there are any questions regarding the content of this proposed rulemaking, please contact:

Morris L. 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



Morris L. Woodruff  
Chief Regulatory Law Judge



Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240 – Public Service Commission  
Chapter 33 – Customer Proprietary Network Information

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PROPOSED AMENDMENT

4 CSR 240-33.160 Customer Proprietary Network Information

SECRETARY OF STATE  
ADMINISTRATIVE RULES

**PURPOSE:** The amendments to section (7) (F) alter and clarify the filing compliance requirement.

(F) A[telecommunications company shall have an officer, as an agent of the company, sign and file with the commission a compliance certificate on an annual basis. The officer shall state in the certification that he or she has personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the rules in this section. The]company shall [provide a] **annually submit statements in its annual report to the commission [accompanying the certificate] explaining how its operating procedures ensure that it is or is not in compliance with the rules in this section. Such statements will be in a format as described in the commission's annual report form. Alternatively a company may attach to its annual report a copy of its CPNI filing to the Federal Communications Commission if the company does not share CPNI with joint venture partners or independent contractors (except for billing and collection services). If a company does share such CPNI with joint venture partners or independent contractors then the company must indicate whether confidentiality agreements are used that comply with 4 CSR 240-33.160(3)(A). In addition, the company shall include an explanation of any actions taken against any individual or entity that unlawfully obtains, uses, discloses, or sells CPNI and a summary of all customer complaints received in the past year concerning the unauthorized release of CPNI. [This filing must be made annually with the commission on or before March 1, for data pertaining to the previous calendar year.]**

**AUTHORITY:** sections 386.040, 386.250, 392.185(9), 392.470, RSMo 2000.\*  
Original rule filed March 30, 2004, effective Nov. 30, 2004. Amended: Filed Jan. 25, 2008, effective September 30, 2008.

\*Original authority: 396.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; 392.185, RSMo 1996; and 392.470, RSMo 1987.

**PUBLIC COST:** Adoption of this proposed amendment will not cost affected state agencies or political subdivisions more than \$500 in the aggregate.

**PRIVATE COST:** Adoption of this proposed amendment will not cost affected private entities more than \$500 in the aggregate.

JOINT COMMITTEE ON

DEC 16 2009

ADMINISTRATIVE RULES

**NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING:**  
Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Steve Reed, Secretary of the Commission, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the Commission's offices on or before March 5, 2010, and should include a reference to Commission File No. TX-2010-0160. Comments may also be submitted via a filing using the Commission's electronic filing and information system (EFIS). A public hearing regarding this proposed rule is scheduled for March 8, 2010 at 9:00 a.m. in the commission's offices in the Governor Office Building, 200 Madison Street, Room 305, 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 (voice) or Relay Missouri at 711.

# Small Business Regulator Fairness Board

## Small Business Impact Statement

Date: November 9, 2009

Rule Number: 4 CSR 240-33.160(7)(F)

Name of Agency Preparing Statement: Missouri Public Service Commission

Name of Person Preparing Statement: John Van Eschen

Phone Number: 751-5525

Email: [john.vaneschen@psc.mo.gov](mailto:john.vaneschen@psc.mo.gov)

Name of Person Approving Statement:

**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*).

This proposal will consolidate a company's customer proprietary network information filing with a company's annual report submission to the Missouri Public Service Commission.

**Please explain how your agency has involved small businesses in the development of the proposed rule.**

A draft of the proposed rule was reviewed by the Missouri Telecommunications Industry Association who provided feedback on the development of the proposed rule.

**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.**

This rulemaking should make it easier for companies to comply with the annual CPNI compliance filing. No carrier expects the proposed rulemaking to generate additional costs.

**Please describe small businesses that will be required to comply with the proposed rule and how they may be adversely affected.**

All telecommunications carriers certificated by the Missouri Public Service Commission are required to comply with this rule. No carrier should be adversely affected.

**Please list direct and indirect costs (in dollars amounts) associated with compliance.**

No entity should be adversely affected by this proposed rule.

**Please list types of business that will be directly affected by, bear the cost of, or directly benefit from the proposed rule.**

Incumbent local exchange carriers, competitively classified local exchange carriers, and competitively classified interexchange carriers.

**Does the proposed rule include provisions that are more stringent than those mandated by comparable or related federal, state, or county standards?**

Yes ☐ No ☒

**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.*