

MEMORANDUM

TO: David Kerr
Director

FROM: Chris Pieper
General Counsel

Victoria Webster
Assistant General Counsel

DATE: October 21, 2010

RE: Proposed Public Service Commission Rule Amendment: 4 CSR 240-32.190

FILED

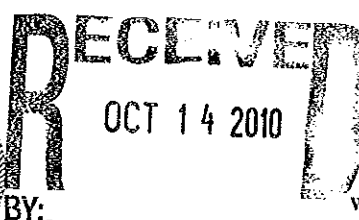
OCT 27 2010

**Missouri Public
Service Commission**

We have reviewed the Public Service Commission's (PSC's) proposed amendment to 4 CSR 240-32.190. This rulemaking will place incumbent local exchange carriers on a level playing field with competitive local exchange carriers and wireless companies by eliminating the regulatory provision prohibiting telecommunications companies from providing per-line blocking to any entity or person.

No legal issues are raised by these proposed rules, nor is there anything controversial about the proposals, to our knowledge. None of the proposed rules will cost affected state agencies or political subdivisions more than \$500 in the aggregate. The fiscal impact on telecommunications companies is projected to be \$0 because the proposed rulemaking does not require companies to take any action. Instead, it removes a restriction and gives companies greater flexibility.

The following documents are enclosed: (1) a letter from the PSC dated October 14, 2010, asking us to review and complete cost affidavits for this rulemaking; (2) a copy of the proposed rule; (3) a small business impact statement for the proposed rule; (4) a fiscal note detailing the private cost of the rule; and (5) an affidavit of public cost for your signature. If this rule amendment meets with your approval, please sign the enclosed affidavit and return it to Victoria Webster so she may forward it to the PSC. Thank you.



Commissioners
ROBERT M. CLAYTON III
Chairman
JEFF DAVIS
TERRY M. JARRETT
KEVIN GUNN
ROBERT S. KENNEY

Missouri Public Service Commission

POST OFFICE BOX 360
JEFFERSON CITY MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
<http://www.psc.mo.gov>

BY: _____
WESS A. HENDERSON
Executive Director
DANA K. JOYCE
Director, Administration and
Regulatory Policy
ROBERT SCHALLENBERG
Director, Utility Services
NATELLE DIETRICH
Director, Utility Operations
STEVEN C. REED
Secretary/General Counsel
KEVIN A. THOMPSON
Chief Staff Counsel

October 14, 2010

David Kerr, Director
Department of Economic Development
301 W. High Street
P.O. Box 1157
Jefferson City, Missouri 65102

RE: 4 CSR 240-32.190 Standards for Providing Caller Identification Blocking Service

Dear Mr. Kerr:

The Public Service Commission proposes to publish a Proposed Rule, 4 CSR 240-32.190 Standards for Providing Caller Identification Blocking Service. This amendment removes the prohibition against offering per-line call blocking to the general public.

Adopting the proposed rulemaking does not implicate the takings clause of the U.S. Constitution, because the proposed rulemaking does not involve the taking of real property.

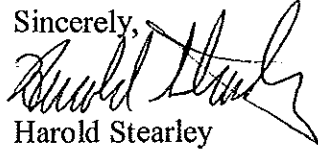
The Commission has performed the small business analysis required by Section 536.300, RSMo Cum. Supp. 2009, and includes the small business impact statement with this filing. Proposed Rule 4 CSR 240-32.190 does not impose any requirement that "will cause direct and significant economic burden upon a small business, or that is directly related to the formation, operation, or expansion of a small business." The Commission certifies that it has determined that the proposed amendment will not have an economic impact on small businesses.

Please find enclosed a copy of the Proposed Rule Amendment, a Small Business Impact Statement, and, for your signature, a Public Entity Cost Affidavit. Please review and

sign the Affidavit at your earliest convenience so that the Commission may proceed with publishing the proposed amendment.

Please let me know if you have any questions concerning this proposed amendment.

Sincerely,

A handwritten signature in black ink, appearing to read "Harold Stearley", written over the word "Sincerely,".

Harold Stearley

Senior Regulatory Law Judge

(573) 522-8459 (telephone)

(573) 526-6010 (facsimile)

Harold.stearley@psc.mo.gov (e-mail)

Enclosure

**Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240 – Public Service Commission
Chapter 32 – Telecommunications Service**

PROPOSED AMENDMENT

4 CSR 240-32.190 Standards for Providing Caller Identification Blocking Service
The secretary is amending section (2).

PURPOSE: This amendment removes the prohibition against offering per-line call blocking to the general public.

(2) All telecommunications companies shall provide per-line blocking for federal, state, and local law enforcement agencies and private, nonprofit, tax-exempt domestic violence intervention agencies, and the employees of these agencies who have a need for such blocking pursuant to their employment. A telecommunications company shall enable per-line blocking within a reasonable time after a request from such an agency. A telecommunications company may determine whether the request has been made by a law enforcement or domestic violence intervention agency. ~~[No telecommunications company shall knowingly provide per-line blocking to any other entity or person.]~~

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

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

*AUTHORITY: sections 386.040 and 386.250, RSMo 2000 and 392.200, RSMo Supp 2003. * Emergency rule filed Sept. 26, 2003, effective Oct. 6, 2003, expired April 2, 2004. Original rule filed Nov. 4, 2003, effective March 30, 2004. *Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; and 392.200, RSMo 1939, amended 1987, 1988, 1996, 2003.*

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Steven C. 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 _____, and should include a reference to Commission Case No. TX-2011-0071. 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 _____ at 10:00 a.m. in the commission's offices in the Governor Office Building, 200 Madison Street, 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 Regulatory Fairness Board

Small Business Impact Statement

Date: 10-06-2010

Rule Number: 4 CSR 240-32.290(2)

Name of Agency Preparing Statement: Public Service Commission

Name of Person Preparing Statement: John Van Eschen

Phone Number: 573-751-5525

Email: 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).*

Simplification. The proposal eliminates a requirement preventing companies from offering per line blocking to the general public.

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

Limited feedback was obtained from local telephone companies; however the proposed rulemaking should have no impact on them because the proposed rulemaking simply eliminates a restriction. Therefore this rulemaking, if approved, will allow local telephone companies to have the option of maintaining the status quo or offering per line blocking to the general public.

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 proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

No additional fees will be collected specifically associated with this rulemaking.

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

This rulemaking only pertains to companies offering basic local telecommunications service. This proposed rulemaking simply eliminates a restriction. Therefore this rulemaking, if approved, will allow local telephone companies to have the option of maintaining the status quo or offering per line blocking to the general public.

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

Not applicable since the proposed rulemaking, if approved, provides affected companies the option of maintaining the status quo or offering per line blocking to the general public.

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

Companies offering basic local telecommunications service in Missouri.

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.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title:** Missouri Department of Economic Development
Division Title: Missouri Public Service Commission
Chapter Title: Chapter 32 – Telecommunications Service

Rule Number and Title:	4 CSR 240-32.190(2) Standards for Providing Caller Identification Blocking Service
Type of Rulemaking:	Rule Revision

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the first year cost of compliance with the rule by the affected entities:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities (years 2-4):
43	Incumbent basic local exchange companies	\$0	\$0
117	Competitive basic local exchange companies	\$0	\$0

III. WORKSHEET

1. The projected fiscal impact is projected to be \$0 because the proposed rulemaking, if approved, does not require a company to do anything. The proposed rulemaking simply removes a restriction and consequently gives companies greater flexibility.

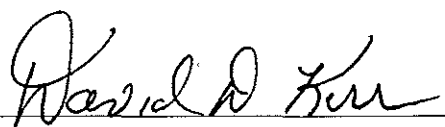
IV. ASSUMPTIONS

- The proposed rulemaking, if approved, should not cause a negative revenue impact to a company's Caller ID service. Several wireless carriers already allow some or all of their customers the option to have per line blocking.
- An affected company could option to charge a fee for per line blocking resulting in potentially a positive revenue impact to the company; however this fiscal note does not attempt to identify such revenues.
- This fiscal note assumes all companies will maintain the status quo and not offer per line blocking to the general public.

**AFFIDAVIT
PUBLIC COST**

STATE OF MISSOURI)
)
COUNTY OF COLE)

I, David Kerr, 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 rule, 4 CSR 240-32.190, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.



David Kerr
Director
Department of Economic Development

Subscribed and sworn to before me this 26th day of October, 2010, I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on 17 July 2011



Notary Public

