

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 31—Missouri Universal Service Fund**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 392.200.2, RSMo Supp. 2011, and sections 392.248 and 392.470.1, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-31.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 2, 2012 (37 MoReg 1007-1008). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended August 1, 2012, and the commission held a public hearing on the proposed amendment on August 2, 2012. The commission received timely written comments from the staff of the Missouri Public Service Commission and from Southwestern Bell Telephone Company, d/b/a AT&T Missouri. In addition, the commission's staff and the Office of the Public Counsel offered comments at the hearing.

COMMENT #1: The commission's staff explained that the chief purpose of the amendment is to make permanent a federally mandated change in Missouri's income-based eligibility criterion for the

Lifeline program to match federal eligibility standards. That change has been temporarily implemented through an emergency rulemaking that is effective June 1, 2012, through February 28, 2013. (The emergency rule was published in the *Missouri Register* on July 2, 2012 (37 MoReg 1003-1004)).

RESPONSE: The commission thanks its staff for its comment. The commission has made no changes to the rule because of this comment.

COMMENT #2: AT&T Missouri offered a written comment indicating its general support for the proposed amendment. However, AT&T Missouri proposes a slight modification to the new definition of "low-income customer" in section (11) of the rule. AT&T proposes to insert the word "household" before "income" in the definition to make it clear that it is household income, not individual income, that determines eligibility to participate in the program. Staff agrees the change is needed to make the definition consistent with federal law and supports the proposed change.

RESPONSE AND EXPLANATION OF CHANGE: The commission will insert "household" before "income" in the definition of low-income customer found in section (11).

COMMENT #3: Public counsel expressed concern at the hearing about the proposed deletion of the substance of the definition of "essential local telecommunications services" in section (6). The commission proposes to delete that definition and replace it with a reference to the definition of "voice telephony service" in a new section (17). Staff explained that the new definition of "voice telephony service" would make the commission's rule consistent with regulations for the federal Universal Service Fund as set forth by the Federal Communications Commission (FCC). Public counsel is concerned that changing the definition of "essential local telecommunications services" in this rule may have ramifications beyond staff's intent to make the commission's rule correspond to that of the FCC. Public counsel asks the commission to study the matter more closely before revising the definition.

Staff denied the substance of public counsel's concern, but indicated it is currently drafting a broader revision of the commission's rules regarding the Missouri Universal Service Fund. Staff confirmed that the proposed revision of the definition of "essential local telecommunications services" is not related to the emergency amendment of Missouri's income-based eligibility criterion for the Lifeline program, which staff indicated was the primary purpose of this rulemaking. Therefore, staff conceded that the commission could defer making a change to the definition until it considers the upcoming overall revision of the commission's rules.

RESPONSE AND EXPLANATION OF CHANGE: The commission will not change the definition of essential local telecommunications service in this rulemaking. In doing so, the commission is not making any decision regarding the merits of the change proposed by staff or the position taken by public counsel. Rather, it is deferring that decision until the matter is again presented as part of the upcoming broader revision of the Missouri Universal Service Fund rules. Staff explained that if the commission chose to not amend the definition of "essential local telecommunications services" at this time, it could best do so by not deleting the existing section (6) and by deleting the proposed new section (17) definition of "voice telephony services." The commission will revise its rulemaking as staff suggests.

COMMENT #4: In its written comment, AT&T Missouri proposed a revision to the definition of "voice telephony services" to make it fully consistent with the federal definition.

RESPONSE: Since the commission decided in response to comment 3 to delete the definition of "voice telephony services" from the rule, it will not make the change proposed by AT&T Missouri.

4 CSR 240-31.010 Definitions

(6) Essential local telecommunications services—Two- (2-) way switched voice residential service within a local calling scope as determined by the commission, comprised of the following services and their recurring charges:

(A) Single line residential service, including Touch-Tone dialing, and any applicable mileage or zone charges;

(B) Access to local emergency services including, but not limited to, 911 service established by local authorities;

(C) Access to basic local operator services;

(D) Access to basic local directory assistance;

(E) Standard intercept service;

(F) Equal access to interexchange carriers consistent with rules and regulations of the Federal Communications Commission (FCC);

(G) One (1) standard white pages directory listing; and

(H) Toll blocking or toll control for qualifying low-income customers.

(11) Low-income customer—Any customer who requests or receives residential essential local telecommunications service and whose household income, as defined in section (9) above, is at or below one hundred thirty-five percent (135%) of the Federal Poverty Guidelines or who participates or has a dependent residing in the customer's household who participates in a program pursuant to 42 U.S.C. sections 1396–1396v, food stamps (7 U.S.C. section 51), Supplementary Security Income (SSI) (42 U.S.C. section 7), federal public housing assistance or Section 8 (42 U.S.C. section 8), National School Lunch Program's free lunch program (42 U.S.C. section 13), Temporary Assistance for Needy Families (42 U.S.C. section 7(IV)), or Low Income Home Energy Assistance Program (LIHEAP) (42 U.S.C. section 94).

Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System of
Missouri
Chapter 4—Membership and Creditable Service

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.020, RSMo Supp. 2011, the board of trustees amends a rule as follows:

16 CSR 10-4.012 Payment for Reinstatement and Credit
Purchases is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2012 (37 MoReg 1181). 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: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System of
Missouri
Chapter 5—Retirement, Options and Benefits

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.020, RSMo Supp. 2011, the board of trustees amends a rule as follows:

16 CSR 10-5.010 Service Retirement is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2012 (37 MoReg 1181). 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: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System of
Missouri
Chapter 6—The Public Education Employee Retirement
System of Missouri

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.610, RSMo Supp. 2011, the board of trustees amends a rule as follows:

16 CSR 10-6.045 Payment for Reinstatement and Credit
Purchases is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2012 (37 MoReg 1181–1182). 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: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System of
Missouri
Chapter 6—The Public Education Employee Retirement
System of Missouri

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.610, RSMo Supp. 2011, the board of trustees amends a rule as follows:

16 CSR 10-6.060 Service Retirement is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2012 (37 MoReg 1182). 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: No comments were received.

Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2205—Missouri Board of Occupational
Therapy
Chapter 1—General Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri Board of Occupational Therapy under section 324.074, RSMo 2000, and sections 324.065