

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

In the Matter of Staff’s Review of the) **File No. TW-2017-0078**
Commission’s Chapter 31 Rules)

STAFF REQUEST FOR COMMENT

COMES NOW the Staff of the Missouri Public Service Commission and requests that the Commission issue an Order or Notice to the participants in this matter that they, and any other entity wishing to do so, have the opportunity to provide comments and states as follows:

1. Prior to its Motion to open this matter, the Staff drafted proposed changes to Chapter 31 (of 4 CSR 240) to bring the rules into alignment with recent changes to the federal Universal Service Fund (Attachment A). The Staff held a workshop with telecommunications carriers to receive feedback and to discuss different approaches to the rule changes. In the course of those discussions, three entities proposed written modifications to the Staff proposal (Attachments B, C and D).

2. The Staff asks that Commenters respond not only to the Staff’s proposals, but to the proposed modifications.

3. In addition to responding to the Attachments, the Staff would like Commenters to address whether the Missouri Universal Service Fund (MoUSF) can support broadband-only service. Section 386.020(53)(h) RSMo 2000 excludes “[e]lectronic publishing services” from the definition of telecommunications service. However, the FCC has recently determined that the provision of a high-speed connection through which users can gain access to electronic publishing services (the Internet) is separate from content publication, and the connection falls within the

definition of telecommunications service. The FCC's decision was recently upheld by the US Court of Appeals (DC Cir), June 14, 2016. Can the same reasoning apply in Missouri, or must the definition of "telecommunications service" be changed in the law? In addition, MoUSF support may only be used for "essential" telecommunications service (§392.248 RSMo 2000). Is broadband service "essential?"

4. The Staff requests that the Commission issue an Order or Notice that participants and other interested persons may file a response to the proposals and questions in this docket on or before thirty days after issuance of the Order. The Staff requests that deadline so that it can review and respond to the comments prior to submitting the proposed changes to the Commission. It is not meant to be construed as a date after which responses may not be submitted.

WHEREFORE, the Staff submits its Request for Commission Order or Notice.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 13th day of September, 2016.

A handwritten signature in black ink, appearing to be "C. W. [unclear]", written in a cursive style.