

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

In the Matter of Staff's Review of the)
Commission's Chapter 28 Rules) Case No. TW-2018-_____

**STAFF MOTION TO OPEN NEW DOCKET
AND REQUEST FOR COMMENTS**

COMES NOW the Staff of the Missouri Public Service Commission, by and through counsel, and for its *Motion to Open New Docket and Request for Comments* states as follows:

1. Pursuant to the governor's Executive Order 17-03, state agencies have been asked to review their currently effective rules and propose changes to make the rules more efficient and effective. Consistent with this order Staff requests that the Commission open a new docket to discuss proposed changes to 4 CSR 240 Chapter 28 and 4 CSR 240 Chapter 37. Staff has conducted a review of these chapters and attaches its proposed changes as Attachment A to this pleading.

2. Staff also asks all interested parties to review its proposed changes and submit any comments and suggestions no later than October 23, 2017.

WHEREFORE, Staff asks the Commission to accept this filing as its proposed changes to Chapter 28 and Chapter 37; and grant such other and further relief as the Commission considers just in the circumstances.

Respectfully submitted,

/s/ Whitney Payne

Whitney Payne

Legal Counsel

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic mail, or First Class United States Postal Mail, postage prepaid, on this 17th day of October, 2017, to all counsel of record.

/s/ Whitney Payne

**Title 4—DEPARTMENT OF
ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 28—Communications**

4 CSR 240-28.010 Definitions. This rule defines terms used in the rules comprising Chapter 28.

PURPOSE: This rule removes unnecessary definitions, revises certain definitions and adds definitions.

(1) Access line—A line connected to the customer’s premises used to provide basic local telecommunications service or used to provide IVoIP service.

(2) Certifica[*tion*]e of service authority—*[The granting of a certificate of service authority]* **Authorization granted** by the commission or charter by the state of Missouri to provide basic local telecommunications service, nonswitched local telecommunications service, interexchange telecommunications service, payphone service or shared tenant service.

(3) Commission—The Missouri Public Service Commission.

(4) Commission’s website—www.psc.mo.gov.

(5[4]) EFIS—The commission’s Electronic Filing and Information System (EFIS). **EFIS may be accessed through the commission’s website***[is a system allowing the electronic exchange of commission filings. The system also maintains certain information about each company registered or certificated by the commission. EFIS may be accessed through the commission’s website at www.psc.mo.gov.*

(5) Detariff—*To discontinue using a tariff to describe a company’s rates, terms, and conditions of service by withdrawing the tariff, in whole or in part, from the commission’s electronic filing and information system.*

(6) Information and Referral (I&R) service—*A service used to provide community and referral information. As used in this chapter, this term is associated with an arrangement whereby callers can access an I&R service by dialing “211.”]*

(6[7]) Interconnection agreement—An agreement *[that is required to be]* filed with a state commission **pursuant to** *[as contemplated by]* 47 U.S.C. 252 containing the terms, conditions, and rates associated with interconnection services **pursuant to 47 U.S.C.251.**

(7) Interconnected voice over internet protocol service (IVoIP)—A communications service as defined by Section 386.020 RSMo.

[(8) Interconnection services—Services associated with the duties and obligations placed on telecommunications carriers as contemplated by 47 U.S.C. 251.

(8[9]) Intrastate—A telecommunications or IVoIP service originating and terminating within Missouri regardless of how the service is routed.

(9) Missouri jurisdictional revenue—Telecommunications and/or IVoIP revenue associated with intrastate service. This revenue includes both retail and wholesale revenue.

[(10) Net Jurisdictional Revenue—This term is defined in 4 CSR 240-31.010(17).

(11) Non-switched local exchange telecommunications service—Service connecting customer locations within an exchange to other points within the exchange provisioned by facilities dedicated to these locations and points, and which facilities to not switch the service to other locations and points.]

(10[12]) Payphone service—Service providing two- (2-) way voice service for a fee to the general public using a privately owned device.

(11[13]) Registration—The granting of a registration to provide interconnected voice over Internet protocol service or video service by the commission.

(12[14]) Shared tenant service—*[Generally t]*The provisioning of a commercially shared telecommunications service provided to residents in a building or a common limited geographic area.

(13[15]) Tariff—A document submitted to the commission identifying the telecommunications services offered by a company and also identifying the rates, terms, and conditions for the use of such services.

[(16) Total Missouri Jurisdictional Operating Revenue—A company's total revenue associated with the provisioning of intrastate telecommunications and IVoIP services. This revenue includes a company's net jurisdictional revenue, wholesale revenues, and any revenue received from the Missouri Universal Service Fund minus wholesale uncollectibles. Total Missouri jurisdictional operating revenue is annually reported and is used for the commission assessment.

(17) Wholesale service—Telecommunications or IVoIP services provided to other telecommunications or IVoIP service providers.]

AUTHORITY:

PUBLIC COST: These proposed amendments will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: These proposed amendments will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:

Anyone may file a statement in support of or in opposition to the proposed rescission with the Missouri Public Service Commission, 200 Madison Street. P.O. Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received

*within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for [time, place and address of hearing].*

**Title 4—DEPARTMENT OF
ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 28—Communications**

4 CSR 240-28.020 Certificate of Service Authority and/or Registration. This rule identifies information relevant to obtaining a certificate of service authority and/or registration.

PURPOSE: This rule streamlines requirements previously contained in 4 CSR 240-28.030.

(1) Authorization to obtain a certificate of service authority or registration may be obtained by submitting an application form to the commission. Authorization is limited to the service area specified by the company's initial application; however, a company's service area can later be altered by submitting a Notice of Change form.

(A) Examples of the initial application form and the Notice of Change form are available on the commission's website.

(B) An attorney licensed to practice law in Missouri must file the application form or the Notice of Change form.

(2) Any company with a certificate or registration that changes its name shall provide advance notice to the commission of the name change.

(A) Notice may be in the form of a letter signed by a company official submitted into EFIS as a new case submission containing the following information-

1. The new name of the company and date the new name takes effect.
2. Documentation that the new name is registered with the Missouri secretary of state.
3. A statement the company has reviewed and, if necessary, updated the company's contacts in EFIS.

(B) If the company maintains a tariff then the letter must be accompanied by either a tariff filing that replaces the existing tariff in its entirety or a one page Adoption Notice of the existing tariff.

(3) Cancelling a certificate of service authority or registration may be accomplished by submitting a letter signed by a company official into EFIS that identifies when and which specific certificate, registration and any applicable tariffs should be cancelled.

(4) Transactions involving the sale, merger, or consolidation of a company with an existing certificate of service authority or registration do not require commission approval. Commission notice as described in subsections 2 and 3 above applies if the transaction results in a name change or cancellation of a company's existing certificate of service authority or registration.

(5) Any company granted a certificate or registration by the commission shall maintain an updated list of company contacts in EFIS.

AUTHORITY:

PUBLIC COST: These proposed amendments will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

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**Title 4—DEPARTMENT OF
ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 28—Communications**

4 CSR 240-28.030 Annual Reports, Statements of Revenue and Assessments.

This rule identifies annual report and assessment requirements for companies authorized to provide telecommunications and/or IVoIP services in Missouri.

PURPOSE: This rule streamlines requirements previously contained in 4 CSR 240-28.040 and 28.050.

(1) Annual Reports and Statements of Revenues: The commission's website contains forms, deadlines, and instructions for annual reports, including how to address common revenue reporting issues.

(A) Any company registered to provide IVoIP service or with a certificate of service authority to provide nonswitched local, basic local or interexchange telecommunications service shall file an annual report. A company's Missouri jurisdictional retail revenue identified in the annual report will be provided to the Missouri USF administrator.

(B) Statement of revenue report. Any company registered to provide IVoIP service or with a certificate of service authority to provide non-switched local, basic local or interexchange telecommunications service, payphone service or shared tenant services is required to file a statement of revenue report identifying a company's Missouri jurisdictional revenue.

(2) Assessments: Information about assessments may be found on the commission's website or as otherwise indicated below-

(A) Commission assessment. Any company required to submit a statement of revenue report is subject to the commission assessment. This assessment is determined by a factor identified on the commission's website that is then applied to a company's Missouri jurisdictional revenue.

(B) Missouri USF assessment. Any company required to submit an annual report to the commission is subject to the Missouri USF assessment. This assessment is based on a factor applied to a company's net jurisdictional revenue as defined and explained in 4 CSR 240-31. Information about the Missouri USF assessment is posted on the Missouri USF administrator's website www.missouriusf.com.

(C) Relay Missouri assessment. Any company registered to provide IVoIP service or with a certificate of service authority to provide basic local telecommunications service is subject to the Relay Missouri assessment. A company is required to bill a designated amount to each access line and label it as the “Relay Missouri Surcharge”. A company may retain a portion of the revenue collected. These arrangements along with special considerations for applying this assessment are addressed on the commission’s website.

(D) If a company has filed for bankruptcy and wants to avoid assessment obligations during a pending bankruptcy then a company should notify the commission and submit a request. Notice can be in form of a letter filed into EFIS as a non-case related submission indicating the date of filing for bankruptcy, bankruptcy court, case number and chapter number. A subsequent letter should be filed when the company emerges from bankruptcy.

AUTHORITY:

PUBLIC COST: These proposed amendments will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: These proposed amendments will not cost private entities more than five hundred dollars (\$500) in the aggregate.

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**Title 4—DEPARTMENT OF
ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 28—Communications**

4 CSR 240-28.040 Tariff Filings and Interconnection Agreements. This rule identifies guidelines for filing tariffs and interconnection agreements.

PURPOSE: This rule streamlines requirements previously contained in 4 CSR 240-28.070 and 28.080.

(1) Maintaining a tariff with the commission is discretionary for retail telecommunications services. The commission's website contains information about tariff format as well as the process for cancelling and no longer maintaining a tariff.

(2) Interconnection agreements are filed and maintained in EFIS as identified below. Additional filing instructions may be found on the commission's website.

(A) Interconnection agreement or amendment to an interconnection agreement not previously approved shall be submitted in an application signed by an attorney licensed to practice law in Missouri.

(B) An adoption of an approved interconnection agreement and any amendment that has been previously approved by the commission may be requested by either company submitting a letter to the secretary of the commission. Approved interconnection agreements whose original term has expired, but which remain in effect pursuant to term renewal or extension provisions, are subject to adoption for as long as the interconnection agreement remains subject to the renewal or extension provisions.

(C) The incumbent basic local exchange telecommunications company that is a party to any interconnection agreement that is terminated shall notify the secretary of the commission of its termination by filing a letter in the case in which the agreement was approved.

AUTHORITY:

PUBLIC COST: These proposed amendments will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

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*within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for [time, place and address of hearing].*

**Title 4—DEPARTMENT OF
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Division 240—Public Service Commission
Chapter 28—Communications**

4 CAR 240-28.050 Network Configuration. This rule provides network configuration standards as contemplated by Section 392.611.3 RSMo.

PURPOSE: This rule streamlines requirements previously contained in 4 CSR 240-28.060.

- (1) Any company certificated or registered with the commission has a duty to ensure calls are being completed. No company shall intentionally frustrate, delay, impede, or prevent the completion of any intrastate call.
- (2) Any company providing intrastate telecommunications service shall comply with the safety standards identified in 4 CSR 240-18.010.

AUTHORITY:

PUBLIC COST: These proposed amendments will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

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**Title 4—DEPARTMENT OF
ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 28—Communications**

4 CSR 240-28.060 211 Service. This rule identifies requirements for an entity providing Information and Referral Services accessible by dialing “211” in Missouri.

PURPOSE: This rule streamlines requirements previously contained in 4 CSR 240-28.090.

(1) An entity may only provide information and referral (I&R) service if it is accredited by the Alliance of Information and Referral Systems and is authorized by the commission to provide I&R services accessible by callers dialing “211” in Missouri. Only one (1) I&R provider shall be authorized per area. An application to provide I&R service shall be electronically filed as a new case submission in EFIS. Application instructions may be found on the commission’s website.

(2) Authorization granted by the commission will be for a period of three (3) years. If an I&R provider seeks to maintain the 211 dialing arrangement beyond this time period, then the provider may reapply approximately ninety (90) days prior to the expiration of the provider’s authorization.

(3) An I&R provider with authorization to receive 211 dialed calls shall file, into EFIS, a public report that provides call performance information by April 15th of each year. Specific instructions may be found on the commission’s website.

AUTHORITY:

PUBLIC COST: These proposed amendments will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: These proposed amendments will not cost private entities more than five hundred dollars (\$500) in the aggregate.

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**Title 4—DEPARTMENT OF
ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 28—Communications**

4 CSR 240-28.070 Telephone Numbering. The commission has certain authority over telephone numbering resources as provided by FCC rules, FCC Order DA 00-1616 released July 20, 2000 and FCC Order 06-14 released February 24, 2006. This rule identifies provisions relating to the commission's oversight of telephone resources within Missouri.

PURPOSE: This rule streamlines requirements previously contained in 4 CSR 240-37.040 and 37.060.

(1) A carrier that requests the commission overturn a decision of the North American Numbering Plan Administrator (NANPA) or the Thousands-Block Pooling Administrator (PA) to deny a carrier's request for additional numbering resources shall file an application with the commission which includes the following:

(A) A Months-to-Exhaust Worksheet that provides utilization by rate center for the preceding six (6) months and projected monthly utilization for the next twelve (12) months;

(B) The carrier's current numbering resource utilization level, FCC Form U1 of Form 502, for the rate center in which it is seeking growth numbering resources;

(C) A copy of the carrier's original request to NANPA or the PA, a copy of the carrier's Part 1a, a copy of the NANPA or PA response/confirmation Part 3; and

(D) A demonstration that the carrier has a verifiable need for numbering resources and has exhausted all other available remedies designed to conserve numbering resources (examples include but are not limited to a copy of the customer request detailing the specific need for telephone numbers and the reason the carrier cannot meet the specific customer request).

(2) Upon request by the commission staff, any carrier that is assigned or has requested numbering resources from the North American Numbering Plan Administrator or the Thousands-Block Pooling Administrator shall provide, certain information at the commission's Jefferson City office to ensure compliance with Federal Communications Commission numbering rules and to monitor and verify the validity and accuracy of carrier utilization data. Such information includes, but is not limited to, all number utilization, number utilization forecast and historical trend documentation and applications.

AUTHORITY:

PUBLIC COST: These proposed amendments will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: These proposed amendments will not cost private entities more than five hundred dollars (\$500) in the aggregate.

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**Title 4—DEPARTMENT OF
ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 28—Telecommunications, IVoIP, Video Services**

4 CSR 240-28.020 General Provisions

PURPOSE: This rule is being rescinded in its entirety and a new rule will be promulgated with streamlined requirements previously contained in 4 CSR 240-28.030.

AUTHORITY:

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

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**Title 4—DEPARTMENT OF
ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 28—Telecommunications, IVoIP, Video Services**

4 CSR 240-28.030 Certification or Registration Requirements

PURPOSE: This rule is being rescinded in its entirety and a new rule will be promulgated with streamlined requirements previously contained in 4 CSR 240-28.040 and 28.050. Requirements previously contained in 4 CSR 240-28.030 will be streamlined into a new rule at 4 CSR 240-28.020.

AUTHORITY:

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

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**Title 4—DEPARTMENT OF
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Division 240—Public Service Commission
Chapter 28—Telecommunications, IVoIP, Video Services**

4 CSR 240-28.040 Reporting Requirements

PURPOSE: This rule is being rescinded in its entirety and a new rule will be promulgated with streamlined requirements previously contained in 4 CSR 240-28.070 and 28.080. Requirements previously contained in 4 CSR 240-28.040 will be streamlined into a new rule at 4 CSR 240-28.030.

AUTHORITY:

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

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**Title 4—DEPARTMENT OF
ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 28—Telecommunications, IVoIP, Video Services**

4 CSR 240-28.050 Assessment Requirements

PURPOSE: This rule is being rescinded in its entirety and a new rule will be promulgated with streamlined requirements previously contained in 4 CSR 240-28.060. Requirements previously contained in 4 CSR 240-28.050 will be streamlined into a new rule at 4 CSR 240-28.030.

AUTHORITY:

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

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**Title 4—DEPARTMENT OF
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Division 240—Public Service Commission
Chapter 28—Telecommunications, IVoIP, Video Services**

4 CSR 240-28.060 Service Requirements

PURPOSE: This rule is being rescinded in its entirety and a new rule will be promulgated with streamlined requirements previously contained in 4 CSR 240-28.090. Requirements previously contained in 4 CSR 240-28.060 will be streamlined into a new rule at 4 CSR 240-28.050.

AUTHORITY:

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

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**Title 4—DEPARTMENT OF
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Division 240—Public Service Commission
Chapter 28—Telecommunications, IVoIP, Video Services**

4 CSR 240-28.070 Tariffs

PURPOSE: This rule is being rescinded in its entirety and a new rule will be promulgated with streamlined requirements previously contained in 4 CSR 240-37.040 and 37.060. Requirements previously contained in 4 CSR 240-28.070 will be streamlined into a new rule at 4 CSR 240-28.040.

AUTHORITY:

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**Title 4—DEPARTMENT OF
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Division 240—Public Service Commission
Chapter 28—Telecommunications, IVoIP, Video Services**

4 CSR 240-28.080 Interconnection Agreements.

PURPOSE: This rule is being rescinded in its entirety. Requirements previously contained in this rule will be streamlined into a new rule at 4 CSR 240-28.040.

AUTHORITY:

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

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**Title 4—DEPARTMENT OF
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Division 240—Public Service Commission
Chapter 28—Telecommunications, IVoIP, Video Services**

4 CSR 240-28.090 211 Service.

PURPOSE: This rule is being rescinded in its entirety. Requirements previously contained in this rule will be streamlined into a new rule at 4 CSR 240-28.060.

AUTHORITY:

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**Title 4—DEPARTMENT OF
ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 37—Number Pooling and Number Conservation Efforts**

4 CSR 240-37.010 General Provisions.

PURPOSE: This rule is being rescinded in its entirety.

AUTHORITY:

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**Title 4—DEPARTMENT OF
ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 37—Number Pooling and Number Conservation Efforts**

4 CSR 240-37.020 Definitions.

PURPOSE: This rule is being rescinded in its entirety.

AUTHORITY:

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**Title 4—DEPARTMENT OF
ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 37—Number Pooling and Number Conservation Efforts**

4 CSR 240-37.030 Thousands-Block Number Pooling.

PURPOSE: This rule is being rescinded in its entirety.

AUTHORITY:

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**Title 4—DEPARTMENT OF
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Division 240—Public Service Commission
Chapter 37—Number Pooling and Number Conservation Efforts**

4 CSR 240-37.040 Requests for Review of the Decisions of the North American Numbering Plan Administrator or the Thousands-Block Pooling Administrator.

PURPOSE: This rule is being rescinded in its entirety. Requirements previously contained in this rule will be streamlined into a new rule at 4 CSR 240-28.070.

AUTHORITY:

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:

*Anyone may file a statement in support of or in opposition to the proposed rescission with the Missouri Public Service Commission, 200 Madison Street. P.O. Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for [time, place and address of hearing].*

**Title 4—DEPARTMENT OF
ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 37—Number Pooling and Number Conservation Efforts**

4 CSR 240-37.050 Reclamation.

PURPOSE: This rule is being rescinded in its entirety.

AUTHORITY:

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:

*Anyone may file a statement in support of or in opposition to the proposed rescission with the Missouri Public Service Commission, 200 Madison Street. P.O. Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for [time, place and address of hearing].*

**Title 4—DEPARTMENT OF
ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 37—Number Pooling and Number Conservation Efforts**

4 CSR 240-37.060 Reporting Requirements.

PURPOSE: This rule is being rescinded in its entirety. Requirements previously contained in this rule will be streamlined into a new rule at 4 CSR 240-28.070.

AUTHORITY:

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:

*Anyone may file a statement in support of or in opposition to the proposed rescission with the Missouri Public Service Commission, 200 Madison Street. P.O. Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for [time, place and address of hearing].*