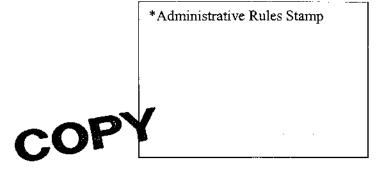
MATT BLUNT Secretary of State Administrative Rules Division RULE TRANSMITTAL



A "SEPARATE" rule transmittal sheet must be used for EACH individual rulemaking.

Α.	Rule Number 4 CSR 240-3.510  Diskette File Name Final Rule 3.510						
	Name of Person to call with questions about this rule:						
	Content David Meyer	Phone	573-751-8706	_ FAX	573-751-9285		
	Data Entry Tammy Vieth	Phone	573-751-8377	_ FAX	573-751-9285		
	Email Address <u>david.meyer@psc.r</u>	no.gov					
	Interagency Mailing Address Governor Office Building, 200 Madison St., 8th Floor, Jefferson City, MO Statutory Authority 386.250, 392.450, 392.451 and 392.455 Current RSMo date 2000						
	Date Filed With the Joint Committee on Administrative Rules Exempt per Sections 536.024 and						
	536.037, RSMo 2000, and Executive Order No. 97-97 (June 27, 1997)						
В.	CHECK, IF INCLUDED:						
	This transmittal completed Incorporation by reference materials, if any						
	Cover letter Authority with history of the rule						
	Affidavit	<del></del>	ic cost				
	Forms, number of pages	Priva	ite cost				
	Fiscal notes	Hear	ing and comment	period			
C.	RULEMAKING ACTION TO BE TAKEN						
	Emergency Rulemaking, (check one)  rule  amendment  rescission  termination						
	MUST include effective date						
	Proposed Rulemaking (check one)rule amendment rescission						
	Order of Rulemaking (check one rule amendment rescission termination						
	MUST complete page 2 of this transmittal						
	☐ Withdrawal (check one) ☐ rule ☐ amendment ☐ rescission ☐ emergency						
	Rule action notice						
	In addition						
	Rule under consideration						
_	SPECIFIC DISTRICTIONS DI	12	·	1.17			
D.	SPECIFIC INSTRUCTIONS: Please indicate any special instructions (e.g., publication date preference, identify material to be incorporated by reference, or forms included herein).						
	dentity material to be incorporated by reference, or forms included neterny.						
		<del></del>					
			JCAR Stam	p			
	<del> </del>						

## **RULE TRANSMITTAL (PAGE 2)**

E.	ORDER OF RULEMAKING: Rule Number 4 CSR 240-3.510			
	1a.	Effective Date for the Order  Statutory 30 days Specific date		
	1b.	Does the Order of Rulemaking contain changes to the rule text?  YES  NO		
	1c.	If the answer is YES, please complete section F. If the answer is NO, STOP here.		
F.	the specific especially in This is not a	vide a complete list of the changes in the rule text for the order of rulemaking, indicating c section, subsection, paragraph, subparagraph, part, etc., where each change is found. It is important to identify the parts of the rule that are being deleted in this order of rulemaking. a reprinting of your order, but an explanation of what sections, subsections, etc. have been note the original proposed rule was filed.		
		xt continues to a third page, insert a continuous section break and, in section 3, delete the footer the header, however.)		
The re	ferences to secti	ions 392.450, 392.451 and 392.455 have been added to the Authority section.		

NOTE: ALL changes MUST be specified here in order for those changes to be made in the rule as published in the Missouri Register and the Code of State Regulations.

Add additional sheet(s), if more space is needed.



Commissioners

STEVE GAW Chair

CONNIE MURRAY

ROBERT M. CLAYTON III

JEFF DAVIS

LINWARD "LIN" APPLING

## 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 ROBERT J. QUINN, JR. Executive Director

WESS A. HENDERSON Director, Utility Operations

ROBERT SCHALLENBERG Director, Utility Services

DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE General Counsel

August 26, 2004

Hon. Matt Blunt Secretary of State Administrative Rules Division 600 West Main Street Jefferson City, MO 65101

Dear Secretary Blunt,

Re: Final Order of Rulemaking to Rule 4 CSR 240-3.510

Filing Requirements for Telecommunications Company Applications for Certificates of Service Authority to Provide Telecommunications Services, Whether Interexchange, Local Exchange or Basic Local Exchange.

### CERTIFICATION OF ADMINISTRATIVE RULE

I hereby certify that the attached is an accurate and complete copy of the final order of rulemaking lawfully submitted by the Missouri Public Service Commission for filing on this 26<sup>th</sup> day of August 2004.

Statutory Authority: Sections 386.250, 392.450, 392.451 and 392.455 RSMo 2000.

If there are any questions, please contact:

David Meyer, Associate General Counsel P.O. Box 360 Jefferson City, MO 65102 (573) 751-8706, FAX (573) 751-9285 david.meyer@psc.mo.gov

BY THE COMMISSION

Dale Hardy Roberts

Secretary/Chief Regulatory Law Judge

# Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240 – Public Service Commission Chapter 3 – Filing and Reporting Requirements

### ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under Section 386.250, RSMo. 2000, the Public Service Commission amends a rule as follows:

#### 4 CSR 240-3.510 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 3, 2004 (29 MoReg 717-18). 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: The written public comment period ended June 2, 2004, and the commission held a public hearing on this proposed amendment on June 4, 2004. Natelle Dietrich of the commission's staff filed comments and testified at the public hearing generally in support of the amendment. Counsel from the Office of the Public Counsel testified generally in support of the amendment.

RESPONSE: No changes have been made to the amendment as a result of the general comments. The commission has previously found that this rule amendment is necessary to carry out the purposes of sections 386.250, 392.450, 392.451 and 392.455, RSMo.

COMMENT: In her written comments, Natelle Dietrich of the commission's staff noted that the Legislature has explicitly authorized requirements of the nature enacted by this amended rule at sections 392.450, 392.451 and 392.455, RSMo. Accordingly, she recommended referencing these sections in the authority section of the rule.

RESPONSE: The commission will add these statutory references to the authority section of the rule.

4 CSR 240-3.510 Filing Requirements for Telecommunications Company Applications for Certificates of Service Authority to Provide Telecommunications Services, Whether Interexchange, Local Exchange or Basic Local Exchange

AUTHORITY: sections 386.250, 392.450, 392.451 and 392.455, RSMo 2000. Original rule filed May 1, 2002. Original rule filed Aug. 16, 2002, effective April 30, 2003. Amended: Filed March 19, 2004.

### MEMORANDUM

**TO:** Dale Hardy Roberts, Secretary

**DATE:** August 26, 2004

RE: Approval of Final Rule and Authorization to File Order Amending Rule with the

Office of the Secretary of State

**CASE NO:** TX-2003-0380

The undersigned Commissioners hereby amend the rules listed below and authorize the General Counsel's Office of the Missouri Public Service Commission to file the final rule packets for the amended rules with the Office of Secretary of State.

4 CSR 240-3.020 Filing Requirements Regarding Utility Company Name Changes

4 CSR 240-3.510 Filing Requirements for Telecommunications Company Applications for Certificates of Service Authority to Provide Telecommunications Services, Whether Interexchange, Local Exchange or Basic Local Exchange

4 CSR 240-3.520 Filing Requirements for Telecommunications Company Applications for Authority to Sell, Assign, Lease or Transfer Assets

4 CSR 240-3.525 Filing Requirements for Telecommunications Company Applications for Authority to Merge or Consolidate

Steve Gaw Chair

Connie Murray, Commissioner

Robert Clayton III, Commissioner

Jeff Davis, Commissioner

Linward "Lin" Applin Commissioner