

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

In the Matter of a Proposed Rulemaking to)
Create Chapter 37 – Number Pooling and) Case No. TX-2007-0086
Number Conservation Efforts)

FISCAL NOTE REVIEW MEMORANDUM

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”) and states:

1. In the Memorandum attached as Appendix A, the Staff advises the Commission that the Staff conducted a review of the fiscal estimates from the rules adopted in this case and has determined that no fiscal estimate changes need to be filed with the Secretary of State.

2. The Commission’s Orders of Rulemaking adopting 4 CSR 240-37.010, General Provisions, 4 CSR 240-37.020, Definitions, 4 CSR 240-37.030, Thousands Block Number Pooling, 4 CSR 240-37.040, Requests for Review of the Decisions of the North American Numbering Plan Administrator or the Thousands-Block Pooling Administrator, 4 CSR 240-37.050, Reclamation, and 4 CSR 240-37.060, Reporting Requirements, were published in the February 15, 2007 *Missouri Register*. These rules became effective on March 30, 2007, 30 days after publication in the *Code of State Regulations*.

3. Section 536.200.2 RSMo (2000) requires agencies to make a filing with the Secretary of State if, after the first full fiscal year after implementation, the cost of the rule exceeds the agency estimate. The first full fiscal year after the rules became effective was the fiscal year beginning July 1, 2007 and ending June 30, 2008.

WHEREFORE, the Staff respectfully submits the attached Memorandum wherein the Staff states its conclusion that no fiscal estimate changes need to be filed with the Secretary of State.

Respectfully submitted,

/s/ William K. Haas

William K. Haas

Deputy Counsel

Missouri Bar No. 28701

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Missouri Public Service Commission

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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 30th day of July 2008.

/s/ William K. Haas

Memorandum

To: Official Case File
Case No. TX-2007-0086

From: John Van Eschen
Telecommunications Department

Subject: Fiscal Analysis Review for 4 CSR 240-37 rulemaking

Date: July 29, 2008

This rulemaking pertains to number pooling and number conservation efforts and is comprised of the following six rules: 4 CSR 240-37.010, 4 CSR 240-37.020, 4 CSR 240-37.030, 4 CSR 240-37.040, 4 CSR 240-37.050, and 4 CSR 240-37.060. These rules became effective on March 30, 2007. With the exception of 4 CSR 240-37.030, the rules were estimated to not have a public entity cost of not more than \$500 in the aggregate and a private entity cost of not more than \$500 in the aggregate. Commission rule 4 CSR 240-37.030 was estimated to not have a public entity cost of not more than \$500 in the aggregate; however this rule estimated a private entity cost totaling \$121,800. This private entity cost for 4 CSR 240-37.030 projected costs of \$69,960 during the first year and \$51,840 for years 2-5.

Section 536.200.2 RSMo requires agencies to make a filing with the Missouri Secretary of State if, after the first full year after implementation, the cost of the rule has exceeded by ten percent or more the estimated cost in the fiscal note or has exceeded five hundred dollars if the proposed cost was estimated to be less than five hundred dollars. The Missouri Commission's General Procedure 1 requires a Staff investigation of the fiscal impact to begin thirty days prior to end of the first full fiscal year. Accordingly, Staff is to prepare a memorandum within thirty days after the end of the first full fiscal year if costs are less than 10% or \$500, where appropriate. If costs are more than 10% or \$500, the General Counsel prepares a filing for action by the Administrative Law Judge.

The Commission Staff investigated all six rules and has not discovered any information that would show the cost estimates associated with these rules were not accurate. Additionally, Staff has contacted the industry for input on the fiscal review. Staff has not received any information from any party indicating the cost estimates as published in the Missouri Register for any of these six rules were not accurate. Since the Commission Staff's investigation indicates the published cost estimates related to the implementation of these rules has not been exceeded, no Missouri Register publication is required under Section 536.200.2 RSMo.

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AFFIDAVIT OF John Van Eschen

STATE OF MISSOURI)
) ss:
COUNTY OF COLE)

John Van Eschen, employee of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that he has participated in preparing the accompanying document and that the facts therein are true and correct to the best of his knowledge and belief.



John Van Eschen

Subscribed and affirmed before me this 30th day of July 2008
I am commissioned as a notary public within the County of Callaway,
State of Missouri and my commission expires on 9-21-10



SUSAN L. SUNDERMEYER
My Commission Expires
September 21, 2010
Callaway County
Commission #06942086



NOTARY PUBLIC