

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

In the Matter of the Revisions            )  
Of the Commission's Rules                )  
Regarding Telecommunications            )

**File No. TX-2018-0120**

**STAFF MEMORANDUM REGARDING FISCAL REVIEW**

**COMES NOW** the Staff of the Missouri Public Service Commission, by and through counsel, and for its *Memorandum Regarding Fiscal Review* states as follows:

1. In accordance with an executive order from the Missouri governor, Staff conducted a review of the Commission's telecommunications rules and requested that the Commission open this docket to permit revisions to some of those rules. In accordance with the statutory provisions governing rulemaking, Staff proposed revisions, accepted comments and provided a final proposed set of rules to the Commission. Those revised rules were memorialized in a Final Order of Rulemaking on November 15, 2018. Staff requested and the Commission ordered that any comments related to the fiscal impact of the revised rules be filed in this docket no later than July 23, 2020.

2. Pursuant to Section 536.200.3, RSMo, the Commission is required to review the fiscal note that it includes with any rule that it adopts, amends or rescinds at the end of the first full year following implementation of the rule.

3. Staff reviewed the fiscal impact of the rule revisions and has indicated its findings in the attached Staff Memorandum. No party filed comments regarding the fiscal impact of the rule revisions.

**WHEREFORE,** Staff prays that the Commission will accept this *Staff Memorandum Regarding Fiscal Review*, and grant such other and further relief as the Commission considers just in the circumstances.

Respectfully submitted,

**/s/ Whitney Payne**

Whitney Payne  
Senior Counsel  
Missouri Bar No. 64078  
Attorney for the Staff of the  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 751-8706 (Telephone)  
(573) 751-9285 (Fax)  
[whitney.payne@psc.mo.gov](mailto:whitney.payne@psc.mo.gov)

**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 12<sup>th</sup> day of August, 2020, to all counsel of record.

**/s/ Whitney Payne**

## MEMORANDUM

TO: Case file for Case No. TX-2018-0120

FROM: John Van Eschen, On Behalf of the Commission Staff

SUBJECT: Rules 20 CSR 4240-28 (Communications), 20 CSR 4240-31 (Universal Service), 20 CSR 4240-37 (Telephone Number Conservation). Compliance with the Requirements of GP-1 of the Commission's General Procedures

DATE: August 12, 2020

The Commission Staff has investigated the cost of implementing the rules adopted by this Commission through the above-referenced case, and reports that it has not discovered any information that would show that the cost estimates to implement these rules as published in the *Missouri Register* were inaccurate for 4 CSR 240-28,<sup>1</sup> 4 CSR 240-31,<sup>2</sup> and 4 CSR 240-37.<sup>3</sup> Additionally, no party has submitted any information suggesting the cost estimate to implement these rules as published in the *Missouri Register* was inaccurate.

The Commission's General Procedure GP-1 ("GP-1") requires, among other things, that within 30 days before the end of the first full fiscal year after the implementation of a rule, amendment or recession, that Staff is to investigate whether the cost to all affected entities, including the Commission, has exceeded by ten percent or more the estimated cost in the fiscal note, or, where appropriate, has exceeded five hundred dollars.

GP-1 also requires Staff to prepare a memorandum showing the results of its investigation within thirty (30) days after the end of the first full fiscal year of the implementation of the subject rule, amendment or recession. If the Staff investigation shows that the costs have not exceeded by ten percent or more the estimated cost in the fiscal note, or, where appropriate, has exceeded five hundred dollars, Staff's Memorandum shall be entered into EFIS under the rulemaking's docket number.

Staff's response regarding the accuracy of the published cost estimates is properly within the time frame specified by Section 536.200.2 RSMo 2016. This statute requires publication in the

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<sup>1</sup> *Missouri Register* 43 (10) May 15, 2018: Pages 981-989 pertain to rescinding 4 CSR 240-28 and replacing this chapter with new proposed rules. The proposed recession and replacement with new rules was ultimately approved by the Commission; however the new rules were later moved to 20 CSR 4240-28.

<sup>2</sup> *Missouri Register* 43 (10) May 15, 2018: Pages 994-1,003 pertain to rescinding 4 CSR 240-31 and replacing this chapter with new proposed rules. The proposed recession and replacement with new rules was ultimately approved by the Commission; however the new rules were later moved to 20 CSR 4240-31.

<sup>3</sup> *Missouri Register* 43 (10) May 15, 2018: Pages 1,008-1,010 pertain to rescinding 4 CSR 240-37. The proposed recession was ultimately approved by the Commission. For the record this case also entertained rescinding 4 CSR 240-29 (Enhanced Records Exchange), 4 CSR 240-34 (Emergency Telephone Service Standards) and 4 CSR 240-36 (Alternate Dispute Resolution) but the Commission rejected the proposal to rescind and simply retained these rules.

*Missouri Register* of a report of any excess cost over estimated cost, or costs over five hundred dollars, where appropriate, within 90 days after the close of the “first full fiscal year” after the implementation of the subject rule, amendment or rescission. The rules that were the subject of this case became effective on December 30, 2018. The first full fiscal year after implementation of the rules thus ended on June 30, 2020. Accordingly, September 28, 2020 would represent the 90-day expiration period for the publication of a report regarding excess cost information in the *Missouri Register*. Since the Staff’s investigation indicates that the published cost estimates related to the changes in the rule have not been exceeded, no *Missouri Register* publication is required under Section 536.200.2 RSMo 2016.