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MEMORANDUM

Missouri Public
Service Commission

TO: Colleen M. Dale, Secretary

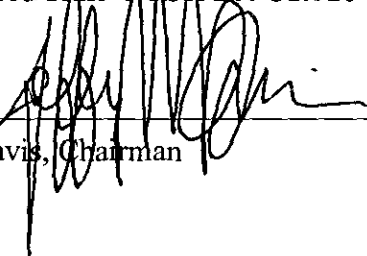
DATE: October 21, 2008

RE: Authorization to File Final Order of Rulemaking with the Office of Secretary of State

CASE NO: TX-2009-0030

The undersigned Commissioners hereby authorize the Secretary of the Missouri Public Service Commission to file the following Final Order of Rulemaking with the Office of the Secretary of State, to wit:


Proposed Rule 4 GSR 240-31.010 – Definitions



Jeff Davis, Chairman



Connie Murray, Commissioner



Robert M. Clayton III, Commissioner



Terry M. Jarrett, Commissioner



Kevin D. Gunn, Commissioner

Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240 – Public Service Commission
Chapter 31 – Missouri Universal Service Fund

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250, 392.248 and 392.470.1 RSMo 2000 and 392.200.2 RSMo Supp. 2007, the commission amends a rule as follows:

4 CSR 240-31.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 2, 2008 (33 MoReg 1660). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held October 3, 2008, and the public comment period ended October 3, 2008. No written comments were received and John VanEschen, on behalf of the staff of the Missouri Public Service Commission was the only person to testify. The staff supports the proposed amendment.

COMMENT: In order to prevent confusion in the future about whether a program qualifies a person to receive residential essential local telecommunications services at a reduced rate under the Missouri Universal Service Fund, it is appropriate to change the way "Medicaid" is listed to the more generic "a program pursuant to 42 U.S.C. §§1396-1396v."

RESPONSE: No change is necessitated by this comment.

COMMENT: As for Medicaid, it would be clearer to change the other program names to something more generic as well. However, not all those programs have a discrete enabling statute. For that reason, the staff does not recommend that the other program titles be deleted, but supports the inclusion of their corresponding statutory authority together with the program name.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with this comment, and will add the statutory citations as set forth below.

4 CSR 240-31.010 Definitions.

(9) Low-income customer—Any customer who requests or receives residential essential local telecommunications service and who participates or has a dependent residing in the customer's household who participates in a program pursuant to 42 U.S.C. §§1396-1396v, food stamps (7 U.S.C. §51), Supplementary Security Income (SSI) (42 U.S.C. §7), federal public housing assistance or Section 8 (42 U.S.C. §8), National School Lunch

Program's free lunch program (42 U.S.C. §13), Temporary Assistance for Needy Families (42 U.S.C. §7(IV)), or Low Income Home Energy Assistance Program (LIHEAP) (42 U.S.C. §94).