

must notify its customers at or before the next billing cycle of any name change affecting customer recognition of the company and file a copy of that notice with the adoption notice.

(20) All telecommunications companies shall update the commission's electronic filing system with the current name, address, telephone number, and email address for the regulatory contact person within the telecommunications company within ten (10) business days of when changes occur.

(21) Waivers regarding compliance with the requirements of this rule granted under previously used rule numbers such as 4 CSR 240-30.010(2)(C) will continue in effect unless otherwise ordered by the commission.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for
Telecommunications Companies**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.040, 386.250, 392.185(9), and 392.470, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-33.160 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2010 (35 MoReg 210). The section with changes is reprinted here. The proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended March 5, 2010, and a public hearing on the proposed amendment was held March 8, 2010. Timely written comments were received from the staff of the Missouri Public Service Commission and from AT&T Missouri. In addition, the commission's staff and AT&T Missouri offered comments at the hearing. The comments generally supported the proposed amendment, with one (1) modification that both the commission's staff and AT&T Missouri support.

COMMENT #1: Modification of Time to File CPNI Report: The commission's staff offered a written comment that explains that the commission's existing rule requires all telecommunications companies to submit a customer proprietary network information (CPNI) report by March first of each year. The amendment would make it easier for telecommunications companies to comply with this requirement by allowing them to incorporate the CPNI report into their broader annual report to the commission. No comments opposed this aspect of the proposed amendment.

RESPONSE: The commission will not change this aspect of the amendment.

COMMENT #2: Option to Attach a Copy of CPNI Filing to the FCC: The commission's staff's written comment explained that the proposed amendment would also allow some telecommunications companies to comply with the state CPNI filing requirement by submitting a copy of the CPNI filing those companies are already filing with the Federal Communications Commission (FCC). However, the proposed amendment would allow a telecommunications company to comply with the state requirement by attaching a copy of the FCC filing only if the company does not share CPNI with joint venture partners or independent contractors (except for billing and collection services).

AT&T Missouri's written comment contends the rule's exception should be expanded to allow a telecommunications company to attach a copy of the FCC CPNI filing to comply with the state filing requirement if it shares CPNI with joint venture partners or independent contractors for otherwise permitted activities, beyond simply billing and collection services.

At the hearing, the commission's staff and AT&T Missouri agreed that the amendment should be modified to expand that exception.

RESPONSE AND EXPLANATION OF CHANGE: The commission will modify the amendment in the manner agreed to by the commission's staff and AT&T Missouri.

4 CSR 240-33.160 Customer Proprietary Network Information

(7) Safeguards Required for Use of Customer Proprietary Network Information.

(F) A company shall annually submit statements in its annual report to the commission explaining how its operating procedures ensure that it is or is not in compliance with the rules in this section. Such statements will be in a format as described in the commission's annual report form. Alternatively a company may attach to its annual report a copy of its CPNI filing to the Federal Communications Commission if the company does not share CPNI with joint venture partners or independent contractors except to initiate, render, bill, and collect for telecommunications services (or as otherwise permitted without customer approval under the commission's rules under 4 CSR 240-33.160(2)(C)). If a company does share such CPNI with joint venture partners or independent contractors then the company must indicate whether confidentiality agreements are used that comply with 4 CSR 240-33.160(3)(A). In addition, the company shall include an explanation of any actions taken against any individual or entity that unlawfully obtains, uses, discloses, or sells CPNI and a summary of all customer complaints received in the past year concerning the unauthorized release of CPNI.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 60—Division of Career Education
Chapter 100—Adult Education**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under sections 161.092 and 167.031, RSMo Supp. 2009, and sections 161.093 and 161.095, RSMo 2000, the board amends a rule as follows:

5 CSR 60-100.020 Administration of High School Equivalence Program is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2010 (35 MoReg 214). 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: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 70—Special Education
Chapter 742—Special Education**

ORDER OF RULEMAKING