

**MATT BLUNT**

**Secretary of State  
Administrative Rules Division  
RULE TRANSMITTAL.**

\*Administrative Rules Stamp

**RECEIVED**

**MAR 19 2004**

**SECRETARY OF STATE  
ADMINISTRATIVE RULES**

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

A. Rule Number 4 CSR 240-3.560  
 Diskette File Name Proposed Rule 3.560  
 Name of person to call with questions about this rule:  
 Content Bob Berlin Phone 573-526-7779 FAX 573-751-9285  
 Data entry Lesli Belt Phone 573-751-7499 FAX Same as above  
 Email address bob.berlin@psc.mo.gov  
 Interagency mailing address Governor Office Building, 200 Madison St., 8th Floor, Jefferson City, MO  
 Statutory Authority 386.250 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)

**B. CHECK, IF INCLUDED:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> This transmittal completed | <input type="checkbox"/> Incorporation by reference materials, if any |
| <input checked="" type="checkbox"/> Cover letter               | <input type="checkbox"/> Authority with history of the rule           |
| <input checked="" type="checkbox"/> Affidavit                  | <input type="checkbox"/> Public cost                                  |
| <input type="checkbox"/> Forms, number of pages <u>    </u>    | <input type="checkbox"/> Private cost                                 |
| <input type="checkbox"/> Fiscal notes                          | <input type="checkbox"/> Hearing 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

**D. SPECIFIC INSTRUCTIONS:** Please indicate any special instructions (e.g., publication date preference, identify material to be incorporated by reference, or forms included herein).

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

JCAR Stamp

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

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

---

E. ORDER OF RULEMAKING: Rule Number \_\_\_\_\_

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. Please provide a complete list of the changes in the rule text for the order of rulemaking, indicating the specific section, subsection, paragraph, subparagraph, part, etc., where each change is found. It is especially important to identify the parts of the rule that are being deleted in this order of rulemaking. This is not a reprinting of your order, but an explanation of what sections, subsections, etc. have been changed since the original proposed rule was filed.

(Start text here. If text continues to a third page, insert a continuous section break and, in **section 3**, delete the footer text. DO NOT delete the header, however.)



Commissioners

STEVE GAW  
Chair

CONNIE MURRAY

ROBERT M. CLAYTON III

## ***Missouri Public Service Commission***

POST OFFICE BOX 360  
JEFFERSON CITY MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
<http://www.psc.state.mo.us>

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

March 19, 2004

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

Dear Secretary Blunt,  
Re: Proposed Rule 4 CSR 240-3.560  
Telecommunications Procedure for Ceasing Operations.

### **CERTIFICATION OF ADMINISTRATIVE RULE**

I hereby certify that the attached is an accurate and complete copy of the proposed rule lawfully submitted by the Missouri Public Service Commission for filing on this 19th day of March 2004.

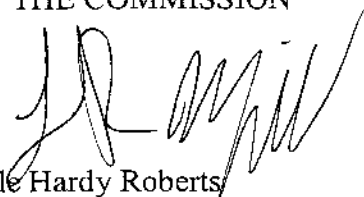
The Missouri Public Service Commission has determined and hereby certifies that this proposed amendment will not have an economic impact on small businesses. The Missouri Public Service Commission also certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017 RSMo 2000 and that this proposed amendment does not constitute a taking of real property under relevant state and federal law.

Statutory Authority: Section 386.250 RSMo 2000.

If there are any questions, please contact:

Bob Berlin, Assistant General Counsel  
P.O. Box 360  
Jefferson City, MO 65102  
(573) 526-7779,  
FAX (573) 751-9285  
[bob.berlin@psc.mo.gov](mailto:bob.berlin@psc.mo.gov)

BY THE COMMISSION

A handwritten signature in black ink, appearing to read "Dale Hardy Roberts", written over the printed name.

Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge



**Commissioners**

**STEVE GAW**  
Chair

**CONNIE MURRAY**

**ROBERT M. CLAYTON III**

***Missouri Public Service Commission***

POST OFFICE BOX 360  
JEFFERSON CITY MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
<http://www.psc.state.mo.us>

**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

March 19, 2004

Missouri Small Business Regulatory Fairness Board  
c/o Department of Economic Development  
301 West High Street, Room 680  
Jefferson City, MO 65102

Re: Proposed Rule 4 CSR 240-3.560 Telecommunications Procedure for Ceasing Operations

Case No. TX-2003-0389

Dear Sir or Madam:

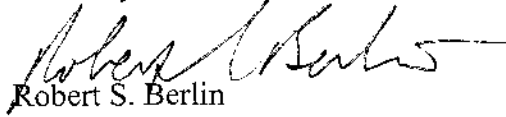
Executive Order 03-15, Section 2, requires, among other things, that state agencies determine whether a proposed rule or rules affect small businesses. If the Public Service Commission determines that its proposed rule affects small businesses by causing a direct and significant economic burden, it must then prepare a small business impact statement for submission to the Secretary of State.

In consultation with the staff of the Public Service Commission, I have undertaken an analysis of whether the proposed rule establishing Commission reporting procedures for telecommunications companies that are ceasing operations affect small businesses. I have determined that the proposed rule does not affect small businesses in a direct and significant manner, nor does it directly relate to the formation, operation or expansion of a small business.

The proposed rule listed above is designed to inform the Public Service Commission of a certificated telecommunications company's plans for ceasing operations in the state. The proposed rule provides the Commission with more timely and accurate information of competitive market conditions and may alert the Commission to possible customer service issues related to the ceasing of operations. This proposed rule has no direct and significant economic burden upon small businesses. Therefore, preparation of a small business impact statement is not required in this matter.

Please let me know if you have any questions based upon the foregoing.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert S. Berlin", with a long horizontal flourish extending to the right.

Robert S. Berlin

Assistant General Counsel

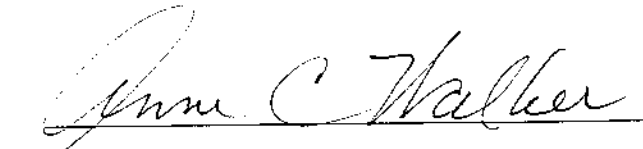
(573) 526-7779

(573) 751-9285 (Fax)

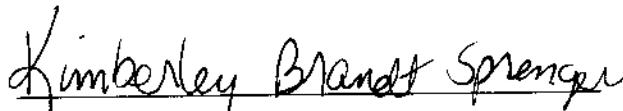
AFFIDAVIT

STATE OF MISSOURI     )  
                                      )  
COUNTY OF COLE        )

I, Anne Walker, Deputy Director of the Department of Economic Development, first being duly sworn on my oath state that it is my opinion that the cost of the **Proposed Rule -- 4 CSR 240-3.560 -- Telecommunications Procedure for Ceasing Operations**, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

  
Anne Walker  
DEPUTY DIRECTOR  
Department of Economic Development

Subscribed and sworn to before me this 11<sup>th</sup> day of February, 2004.  
I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on April 29, 2006.

  
NOTARY PUBLIC

KIMBERLEY BRANDT SPRINGER  
NOTARY PUBLIC STATE OF MISSOURI  
COLE COUNTY  
MY COMMISSION EXPIRES APR. 29, 2006

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

**RECEIVED**

MAR 19 2004

**PROPOSED RULE**

**SECRETARY OF STATE  
ADMINISTRATIVE RULES**

**4 CSR 240-3.560 Telecommunications Procedure for Ceasing Operations**

*PURPOSE: This rule describes the procedure for certificated telecommunications companies ceasing operations in the state of Missouri or discontinuing service to any geographic service area of the state.*

(1) All telecommunications companies ceasing operation in Missouri or discontinuing service to any geographic service area within the state shall provide to the Commission:

- (A) A statement of reasons for ceasing or discontinuing service;
- (B) Date of planned service cessation or discontinuance;
- (C) Geographic areas affected by cessation or discontinuance of service;
- (D) A brief description of the service(s) to be ceased or discontinued;
- (E) A statement as to whether the company's tariff(s) and certificate shall remain in effect or be cancelled.

(F) A statement that all affected customers have been notified at least thirty (30) days prior to the cessation or discontinuance; and,

(G) A statement that all affected customers have been informed as to how they can select a new service provider.

(2) If the information provided in Section (1) above is submitted electronically, it will be submitted as a non-case related submission in the Commission's Electronic Filing Information System (EFIS).

(3) If the information provided in Section (1) above is submitted in paper format, it will be submitted to the Manager of the Telecommunications Department.

*AUTHORITY: section 386.250, RSMo 2000. Original rule filed May 1, 2002.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the Commission's offices within (30) days after the publication of this notice in the Missouri Register, and should include a reference to Commission Case No. TX-2003-0389. If comments are submitted via a paper filing, an*



original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the Commission's electronic filing and information system at <<http://www.psc.mo.gov/efis.asp>>. A public hearing regarding this proposed rule is scheduled for June 4, 2004, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or Relay Missouri at 7-1-1.

# MEMORANDUM

**TO:** Dale Hardy Roberts, Secretary

**DATE:** March 18, 2004

**RE:** Authorization to File the Proposed Rule Amendments 4 CSR 240-3.530 and 3.535 and Proposed Rules 4 CSR 240-3.560 and 3.565 With the Office of Secretary of State

**CASE NO:** TX-2003-0389

The undersigned Commissioners hereby authorize the Secretary of the Missouri Public Service Commission to file the following Proposed Rule Amendments and Proposed Rules with the Office of Secretary of State, to wit:

4 CSR 240-3.530 Filing Requirements for Telecommunications Company Applications for Authority to Issue Stock, Bonds, Notes and Other Evidences of Indebtedness.


4 CSR 240-3.535 Filing Requirements for Telecommunications Company Applications for Authority to Acquire the Stock of a Public Utility.

4 CSR 240-3.560 Telecommunications Procedure for Ceasing Operations.


4 CSR 240-3.565 Procedure for Telecommunications Companies that File Bankruptcy.



\_\_\_\_\_  
Steve Gaw, Chair



\_\_\_\_\_  
Connie Murray, Commissioner



\_\_\_\_\_  
Robert M. Clayton III, Commissioner



**Commissioners**

**STEVE GAW**  
Chair

**CONNIE MURRAY**

**KELVIN L. SIMMONS**

**BRYAN FORBIS**

**ROBERT M. CLAYTON III**

**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 SCHALLENGER**  
Director, Utility Services

**DONNA M. PRENGER**  
Director, Administration

**DALE HARDY ROBERTS**  
Secretary/Chief Regulatory Law Judge

**DANA K. JOYCE**  
General Counsel

November 26, 2003

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

**Re:** Proposed Rules 4 CSR 240-3.560 Telecommunications Procedure for  
Ceasing Operations and 4 CSR 240-3.565 Procedure for Telecommunications  
Companies that File Bankruptcy  
*Case No. TX-2003-0389*

Dear Mr. Roberts:

Executive Order 03-15, Section 2, requires, among other things, that state agencies determine whether a proposed rule or rules affect small businesses. If the Public Service Commission determines that its proposed rule or rules affect small businesses by causing a direct and significant economic burden, it must then prepare a small business impact statement for submission to the Secretary of State.

In consultation with the staff of the Public Service Commission, I have undertaken an analysis of whether the proposed rules establishing Commission reporting procedures for telecommunications companies that are ceasing operations and/or filing for bankruptcy affect small businesses. I have determined that the proposed rules do not affect small businesses in a direct and significant manner, nor do they directly relate to the formation, operation or expansion of a small business.

The proposed rules listed above are designed to inform the Public Service Commission of a certificated telecommunications company's plans for ceasing operations in the state or for filing bankruptcy, respectively. Both proposed rules provide the Commission with more timely and accurate information of competitive market conditions and may alert the Commission to possible customer service issues related to the ceasing of operations and/or filing for bankruptcy.

Neither proposed rule has any direct and significant economic burden upon small businesses. Therefore, preparation of a small business impact statement is not required in this matter.

Please let me know if you have any questions based upon the foregoing.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert S. Berlin", with a long horizontal flourish extending to the right.

Robert S. Berlin

Assistant General Counsel

(573) 526-7779

(573) 751-9285 (Fax)