
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 240-3.565
Procedure for Telecommunications Companies that File Bankruptcy.

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

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

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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 240-3.565 Procedure for Telecommunications Companies that
File Bankruptcy

Case No. TX-2003-0389

Dear Sir or Madam:

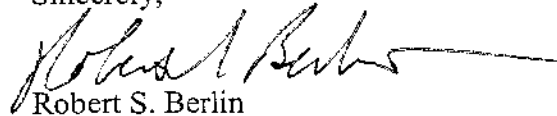
Executive Order 03-15, Section 2, requires, among other things, that state agencies determine whether a proposed rule or rules affect small businesses. If the Public Service Commission determines that its proposed rule affects small businesses by causing a direct and significant economic burden, it must 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 file bankruptcy 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 filing bankruptcy 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 filing of bankruptcy. 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", followed by a long horizontal flourish line.

Robert S. Berlin

Assistant General Counsel

(573) 526-7779

(573) 751-9285 (Fax)

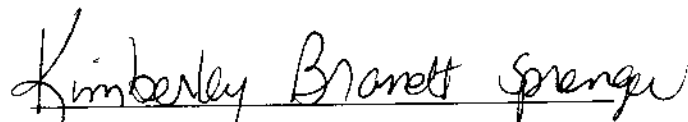
AFFIDAVIT

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 240-3.565 -- Procedure for Telecommunications Companies that File Bankruptcy**, 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 11th 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

KIMBERLY BRANTT SPRENGER
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 240-3.565 Procedure for Telecommunications Companies that File Bankruptcy

PURPOSE: This rule describes the procedure for certificated telecommunications companies and their affiliates that file bankruptcy.

(1) Any telecommunications company certificated in Missouri that files bankruptcy or has an affiliate that files bankruptcy shall provide to the Commission:

- (A) A notice that the company or an affiliate has filed bankruptcy;
- (B) The bankruptcy case number;
- (C) The bankruptcy filing date;
- (D) The bankruptcy chapter number; and
- (E) The bankruptcy court.

(2) If the bankruptcy court approves the transfer of customers to another telecommunications company, a copy of the bankruptcy order shall be provided to the Commission with the application for service authority or application for approval to transfer assets.

(A) The application for service authority or application for approval to transfer assets shall contain a statement as to whether the existing company's tariff and certificate shall remain in effect or be cancelled.

(3) If the telecommunications company filing bankruptcy has telecommunications facilities that are located at the premises of another telecommunications company, the company filing bankruptcy shall provide to the Commission:

- (A) A statement identifying the telecommunications facilities and their locations;
- (B) A statement identifying the entities with an interest in the telecommunications facilities;
- (C) A statement describing the disposition of the telecommunications facilities and the entity conducting the disposition of the facilities;
- (D) A statement informing of the date when the telecommunications facilities will be properly disposed.

(4) If the information provided in Sections (1-3) above is submitted electronically, it will be submitted as a non-case related submission in the Commission's Electronic Filing Information System (EFIS).

(5) If the information provided in Sections (1-3) 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.

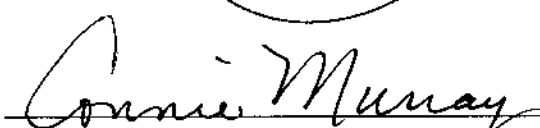
4 CSR 240-3.535 Filing Requirements for Telecommunications Company Applications for Authority to Acquire the Stock of a Public Utility.

4 CSR 240-3.560 Telecommunications Procedure for Ceasing Operations.

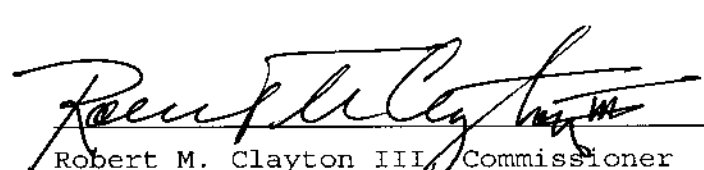
4 CSR 240-3.565 Procedure for Telecommunications Companies that File Bankruptcy.



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>

November 26, 2003

ROBERT J. QUINN, JR.
Executive Director

WESS A. HENDERSON
Director, Utility Operations

ROBERT SCHALLENBERG
Director, Utility Services

DONNA M. PRENGER
Director, Administration

DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE
General Counsel

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)