

Robin Carnahan
Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

Administrative Rules Stamp

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MAR 04 2005

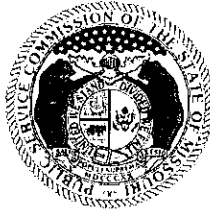
SECRETARY OF STATE
ADMINISTRATIVE RULES

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

- A. Rule Number 4 CSR 240-2.061
Diskette File Name 4 CSR 240-2.061 proposed rule
Name of person to call with questions about this rule:
Content Vicky Ruth Phone 573-522-8459 FAX 573-526-6010
E-mail address vicky.ruth@psc.mo.gov
Data entry Natelle Dietrich Phone 573-751-7427 FAX 573-751-1847
E-mail address natelle.dietrich@psc.mo.gov
Interagency mailing address GOB., 200 Madison St., 9th Flr., Jeff. City, MO
Statutory Authority 386.250 and 392.200 Current RSMo date 2000
Date filed with the Joint Committee on Administrative Rules Exempt per §§
536.024 and 536.037, RSMo 2000, and Executive Order No. 97-97 (June 27, 1997)
- B. CHECKLIST guide for rule packets:
- | | |
|--|---|
| <input checked="" type="checkbox"/> This transmittal completed | <input type="checkbox"/> Forms, number of pages _____ |
| <input checked="" type="checkbox"/> Cover letter | <input type="checkbox"/> Authority section with history of the rule |
| <input checked="" type="checkbox"/> Affidavit | <input type="checkbox"/> Public cost statement |
| <input type="checkbox"/> Small business impact statement | <input type="checkbox"/> Private cost statement |
| <input type="checkbox"/> Fiscal notes | <input type="checkbox"/> Hearing date _____ |
- C. RULEMAKING ACTION TO BE TAKEN
- ☐ Emergency rulemaking (choose one) ☐ rule, ☐ amendment, ☐ rescission, or ☐ termination
- MUST** include effective date _____
- ☒ Proposed Rulemaking (choose one) ☒ rule, ☐ amendment, or ☐ rescission
- ☐ Order of Rulemaking (choose one) ☐ rule, ☐ amendment, ☐ rescission, or ☐ termination
- MUST** complete page 2 of this transmittal
- ☐ Withdrawal (choose one) ☐ rule, ☐ amendment, ☐ rescission or ☐ emergency)
- ☐ Rule action notice ☐ In addition ☐ Rule under consideration
- D. SPECIFIC INSTRUCTIONS: Any additional information you may wish to provide to our staff _____

Small Business Regulatory
Fairness Board (DED) Stamp

JCAR Stamp



Commissioners

JEFF DAVIS
Chairman

CONNIE MURRAY

STEVE GAW

ROBERT M. CLAYTON III

LINWARD "LIN" APPLING

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>

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 3, 2005

Honorable Robin Carnahan
Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, Missouri 65101

Dear Secretary Carnahan:

RE: 4 CSR 240-2.061 File Requirements for Applications for Expanded Local Calling
Area Plans Within a Community of Interest

I do 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 this 3rd day of March, 2005.

The Missouri Public Service Commission has determined and hereby certifies that this proposed rule 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 rule does not constitute a taking of real property under relevant state and federal law.

Statutory authority: sections 386.250 and 392.200, RSMo 2000.

Honorable Robin Carnahan
Page two
March 3, 2005

Missouri Public Service Commission Case No.: TX-2005-0194

If there are any questions, please contact:

Vicky Ruth, Senior Regulatory Law Judge
Missouri Public Service Commission
Governor Office Building
200 Madison Street, Suite 900
Post Office Box 360
Jefferson City, Missouri 65102
(573) 522-8459

BY THE COMMISSION

A handwritten signature in black ink, appearing to read 'Dale Hardy Roberts', written over a horizontal line.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

DHR:VR:jp

Enclosures

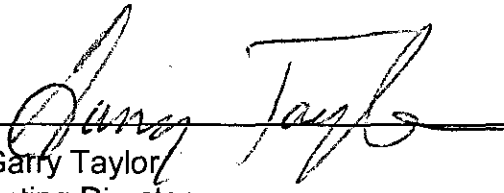
AFFIDAVIT

STATE OF MISSOURI

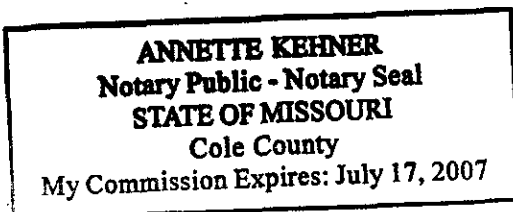
COUNTY OF COLE

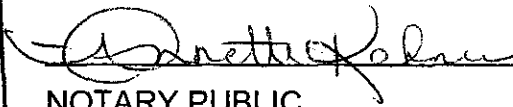
}

I, Garry Taylor, Acting Director of the Department of Economic Development, first being duly sworn on my oath state that it is my opinion that the cost of Proposed Rule 4 CSR 240-2.061 is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.


Garry Taylor
Acting Director
Department of Economic Development

Subscribed and sworn to before me this 27th day of January,
2005. I am commissioned as a notary public within the County of
COLE, State of Missouri, and my commission expires on
17 July 2007.




NOTARY PUBLIC

**Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240 – Public Service Commission
Chapter 2 – Filing and Reporting Requirements**

PROPOSED RULE

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MAR 04 2005

**SECRETARY OF STATE
ADMINISTRATIVE RULES**

4 CSR 240-2.061 Filing Requirements for Applications for Expanded Local Calling Area Plans Within a Community of Interest

PURPOSE: The purpose of this rule is to implement a process for the commission to entertain requests for expanded local calling area plans that provide toll-free or discounted calling within a community of interest.

(1) Definitions. For the purposes of 4 CSR 240-2.061 the following definitions are applicable:

(A) Alternative local exchange telecommunications company is a local exchange telecommunications company certified by the commission to provide basic or nonbasic local telecommunications service or switched exchange access service, or any combination of such services, in a specific geographic area subsequent to December 31, 1995.

(B) Community of interest is a group of people connected by a common calling interest or need. Community of interest includes, but is not limited to, community calling to medical services providers, educational institutions, governmental or social service offices, and commercial centers.

(C) Expanded local calling area plan(s) is a plan(s) that provides toll-free or discounted calling prices to designated exchanges within a community of interest.

(D) Illustrative tariff sheets are tariff sheets which comply with CSR 240-3.545 except that such tariff sheets do not contain an issued and effective date.

(E) Incumbent local exchange telecommunications company is a local exchange telecommunications company authorized to provide basic local telecommunications service in a specific geographic area as of December 31, 1995, or a successor in interest to such company.

(F) Inter-carrier compensation describes the financial arrangement used to compensate other telecommunications carriers for the use of their respective facilities in transmitting a telecommunications call.

(G) Local exchange telecommunications service is telecommunications service between points within an exchange.

(H) Metropolitan calling area (MCA) is an expanded calling area in the three metropolitan areas allowing calling within and/or to metropolitan exchanges around St. Louis, Kansas City and Springfield at tiered rates. MCA telecommunications traffic originates, transits, and/or terminates pursuant to terms and conditions the Public Service Commission established in MoPSC Case Numbers TO-92-306 and TO-99-483 or as subsequently modified by Commission order or rule.

(I) Subscribers are persons or companies that have contracted to receive telecommunications services.

(2) An application filed with the commission shall initiate a request for an expanded local calling area plan. The specific provisions herein shall supercede general rules contained elsewhere in this chapter. An application may be filed on behalf of:

(A) At least fifteen percent (15%) of the local exchange telecommunications service subscribers within the requesting exchange; or

(B) A governing body of a municipality or school district within the requesting exchange.

(3) The application shall comply with 4 CSR 240-2.060 and shall clearly identify and include:

(A) A description of the expanded local calling area plan;

(B) A statement explaining how the proposed plan will satisfy the objectives of the community of interest;

(C) The proposed price and terms of the plan;

(D) A statement of whether the proposed plan will be optional or mandatory for all customers in the expanded local calling scopes;

(E) A statement as to the toll or local classification of the calling plan traffic and associated inter-company compensation, if any, to be utilized to facilitate the plan; and

(F) A petition, if initiated by local exchange service subscribers as described in subsection 2(A) above, which shall include the signatures of such subscribers, and only one signature per subscriber is allowed.

(4) Each page of a petition attached to an application shall clearly identify the information in subsections (3)(A), (3)(C), (3)(D) and (3)(E) above.

(5) The commission will provide notice of the filing of the application to all incumbent local exchange telecommunications companies in the affected area and to all alternative local exchange telecommunications companies except those companies only providing prepaid local telecommunications service. The filing of the application will initiate an Electronic Filing and Information System (EFIS) notification to all interexchange telecommunications carriers. All notifications shall include instructions on how to obtain a copy of the application.

(6) Any incumbent local exchange telecommunications company serving any exchange proposed to be affected by the application shall automatically be made a party to the case.

(7) Within sixty (60) days after the filing of the application, the commission shall convene a conference of the parties. The purpose of the conference is to discuss, at a minimum, the application and determine if any modifications should be made to the application.

(8) During the conference in section (7) above, the parties shall explore how the application's proposal could be technically implemented in the most efficient manner consistent with the community of interest. The parties shall also explore the appropriate intercarrier compensation arrangement. If the application proposes a mandatory toll-free plan or an expansion of the metropolitan calling area plan, the parties shall explore an intercarrier compensation arrangement that does not involve access charges.

(9) The applicant shall file with the commission either a statement that the application remains unchanged or alternatively identify specific modifications to the application as a result of the conference in section (7) above.

(10) Within ten (10) days after the applicant's filing in section (9) above, any party objecting to the application as proposed may file with the commission, a pleading explaining why the applicant's proposal is not acceptable.

(11) Within ninety (90) days after the filing in section (9) above, any telecommunications carrier directly affected by the proposal shall file illustrative tariff sheets to implement the applicant's proposal.

(12) The illustrative tariff sheets shall identify all rate adjustment(s) necessary to implement the applicant's proposal. The company shall simultaneously file supporting documentation if it proposes to increase or establish new rates designed to maintain revenue neutrality, including the recovery of any new costs associated with implementing the proposal.

(13) The commission may hold public hearings and/or meetings in locations affected by the application.

(14) After receipt of the illustrative tariff sheets in section (12) above, the commission may hold a hearing or other appropriate proceeding. The parties will provide evidence to assist the commission in its findings.

(15) The commission, in its findings, will determine whether the proposed calling plan is just, reasonable, affordable, and in the public interest. In making these determinations, the commission will consider evidence on the competitive implications, revenue impacts, and company and social costs of implementing the proposed expanded calling plans balanced against the objectives of the community of interest. The commission will also weigh any costs against benefits to the community of interest when making its determination.

(16) The commission may modify the proposed rates, terms or conditions in its decision on the application.

AUTHORITY: section 386.250, RSMo 2000, and section 392.200, RSMo 2000. Original rule filed March 4, 2005.

PUBLIC Cost: The proposed rule is drafted based on recommendations in the MCA/Calling Scope Task Force Final Report in Case No. TW-2004-0471. No fiscal impact concerns were raised during the Task Force meetings. This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: The proposed rule is drafted based on recommendations in the MCA/Calling Scope Task Force Final Report in Case No. TW-2004-0471. No fiscal impact concerns were raised during the Task Force meetings. This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:
*Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102, (573) 751-3234. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. Comments should refer to Case No. TX-2005-0194. 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 is scheduled for May 16, 2005, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at the hearing to submit additional comments and/or testimony in support of or in opposition to the 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.*



Robin Carnahan
Secretary of State

**Administrative Rules Division
Rulemaking Transmittal Receipt**

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MAR 04 2005

**SECRETARY OF STATE
ADMINISTRATIVE RULES**

Rule ID: 2612
Date Printed: 3/4/2005
Rule Number: 4 CSR 240-2.061
Rulemaking Type: Proposed Rule
Date Submitted to Administrative Rules Division: 3/4/2005
Date Submitted to Joint Committee on Administrative Rules:

Name of Person to Contact with questions concerning this rule:

Content: Vicky Ruth	Phone: 522-8459	Email: vicky.ruth@psc.mo.gov	Fax: 526-6010
RuleDataEntry: Natelle Dietrich	Phone: 751-7427	Email: natelle.dietrich@psc.mo.gov	Fax: 751-1847

Included with Rulemaking:

Cover Letter
Affidavit for public cost

3/04/2005
3/04/2005

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