

Robin Carnahan

Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

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JUN 30 2005

SECRETARY OF STATE
ADMINISTRATIVE RULES

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

A. Rule Number 4 CSR 240-31.010

Diskette File Name Amendment 240-31.010

Name of person to call with questions about this rule:

Content David A. Meyer Phone 573/751-8706 FAX 573/751-9285

E-mail address david.meyer@psc.mo.gov

Data entry Carla Schnieders Phone 573-522-9038 FAX 573-526-6969

E-mail address carla.schnieders@psc.mo.gov

Interagency mailing address GOB, 200 Madison Street, 8th Floor, J.C. MO 65102

Statutory Authority: Sections 392.200, 392.248 & 392.470 Current RSMo date: 2000 & Supp. 2004

Date filed with the Joint Committee on Administrative

B. CHECKLIST guide for rule packets:

☒ This transmittal completed

☒ Cover letter

☐ Affidavit

☐ Small business impact statement

☐ Fiscal notes

☐ Forms, number of pages _____

☐ Authority section with history of the rule

☐ Public cost statement

☐ Private cost statement

☐ Hearing date

C. RULEMAKING ACTION TO BE TAKEN

☐ Emergency rulemaking (choose one) ☐ rule, ☐ amendment, ☐ rescission, or ☐ termination

MUST include effective: _____

☒ 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

RULE TRANSMITTAL (PAGE 2)

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?

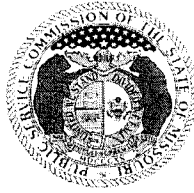
☐ YES ☐ NO

1c. If the answer is YES, please complete section F.

If the answer is NO, **STOP** here.

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

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



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
Executive Director

ROBERT SCHALLENGER
Director, Utility Services

COLLEEN M. DALE
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE
General Counsel

June 30, 2005

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

Dear Secretary Carnahan,

Re: Rule 4 CSR 240-31.010
Definitions

CERTIFICATION OF ADMINISTRATIVE RULE

I hereby certify that the attached is an accurate and complete copy of the proposed amendment lawfully submitted by the Missouri Public Service Commission on this 30th day of June 2005.

The Missouri Public Service Commission 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 and that this proposed amendment does not constitute a taking of real property under relevant state and federal law.

Section 536.300, RSMo Supp. 2004 requires state agencies to "determine whether the proposed rules affect small businesses and, if so, the availability and practicability of less restrictive alternatives that could be implemented to achieve the same results of the proposed rule." A small business is defined to be "a for-profit enterprise consisting of fewer than fifty (50) full or part-time employees." A proposed rule "affects" a small business if it "imposes any requirement" that "will cause direct and significant economic burden upon a small business, or is directly related to the formation, operation, or expansion of a small business."

Although compliance with some of the Commission's amended rules may entail expenditures by small businesses, the Commission's amendments simply require small businesses to comply with new Federal Communications Commission mandates, and the Commission is implementing these rules as directed by the Federal Communications Commission. Section 536.300.4 (Supp. 2004) exempts from the small business impact requirements rules that are

federally mandated, and any rule amendments that have an impact upon small businesses are federally mandated.

Statutory Authority: Section 392.200.2 RSMo Supp. 2004 and Sections 392.248 and 392.470.1 RSMo 2000.

If there are any questions, please contact:

David Meyer, Senior Counsel
P.O. Box 360
Jefferson City, MO 65102
(573) 751-8701, FAX (573) 751-9285
david.meyer@psc.mo.gov

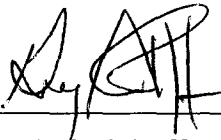
BY THE COMMISSION


Colleen M. Dale
Secretary/Chief Regulatory Law Judge

AFFIDAVIT
(PUBLIC NO COST)

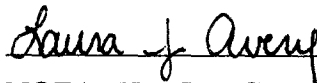
STATE OF MISSOURI)
)
COUNTY OF COLE)

I, Gregory A. Steinhoff, 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 Amendment of 4 CSR 240-31.010, Definitions**, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

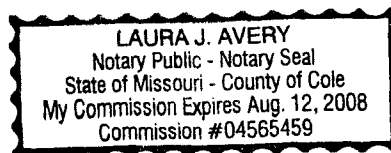


Gregory A. Steinhoff
Director
Department of Economic Development

Subscribed and sworn to before me this 8 day of June, 2005.
I am commissioned as a notary public within the County of
Cole, State of Missouri, and my commission expires on
Aug 12, 2008.



NOTARY PUBLIC



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

PROPOSED AMENDMENT

4 CSR 240-31.010 Definitions. The commission is amending sections (4), (9), (10) and (11).

PURPOSE: This amendment is being proposed to incorporate additional eligibility requirements for low-income customers consistent with federal guidelines.

(4) Disabled customer—Any customer who requests or receives residential essential local telecommunications service and who meets the “definition” of disabled set out in section 660.100.2, RSMo 2000 **or a customer who has a dependent that meets the definition of “disabled” set out in section 660.100.2 and is residing in the customer’s household.**

(9) Low-income customer—Any customer who requests or receives residential essential local telecommunications service and **who participates** *[who has been certified by the Department of Social Services as economically disadvantaged by participation]* in Medicaid, food stamps, Supplementary Security Income (SSI), federal public housing assistance or Section 8, **National School Lunch Program’s free lunch program, Temporary Assistance for Needy Families** or Low Income Home Energy Assistance Program (LIHEAP).

(10) Missouri Universal Service Board (board)—The board established by section 392.248.1, RSMo *[Supp.]* 2000 and comprised of members of the commission and the Public Counsel, which shall supervise the management of the MoUSF.

(11) Missouri Universal Service Fund (MoUSF or Fund)—The universal service fund established by section 392.248, RSMo *[Supp.]* 2000 to be used:

(A) To ensure the provision of reasonably comparable essential local telecommunications service, as defined in this rule, throughout the state including high cost areas, at just, reasonable, and affordable rates;

(B) To assist low-income customers and disabled customers in obtaining affordable essential telecommunications services;

(C) To pay the reasonable, audited costs of administering the MoUSF; and

(D) To permit eligible incumbent local exchange companies to recover the reasonably projected changes in revenues from reductions in Federal Universal Service Fund (USF) payments caused by changes to the Federal USF program announced by the FCC no later than December 31, 1997, as determined by the commission.

*AUTHORITY: section[s] 392.200.2, **RSMo Supp. 2004 and sections 392.248 and 392.470.1, RSMo 2000.** * Original rule filed Aug. 15, 1997, effective April 30, 1998. Amended: Filed Oct. 30, 2002, effective July 30, 2003. Amended: Filed June 30, 2005.*

**Original authority: 392.200, RSMo 1939, amended 1987, 1988, 1996; 392.248, RSMo 1996; and 392.470.1, RSMo 1987.*

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, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the Commission's offices on or before September 1, 2005, and should include a reference to Commission Case No. TX-2005-0460. If comments are submitted via a paper filing, an original and six (6) 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.state.mo.us/efis.asp>>. A public hearing regarding this proposed rule is scheduled for September 12, 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 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 TDD Hotline 1-800-829-7541.