



**RULE TRANSMITTAL (PAGE 2)**

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E. ORDER OF RULEMAKING: Rule Number 4 CSR 240-32.070

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.)**

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**

**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

**DONNA M. PRENGER**  
Director, Administration

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

**DANA K. JOYCE**  
General Counsel

March 23, 2004

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

Re: 4 CSR 240-32.070      Quality of Service.

Dear Secretary Blunt:

I do hereby certify that the attached are accurate and complete copies of the Order of Rulemaking lawfully submitted by the Missouri Public Service Commission for filing this 23rd day of March 2004.

Statutory authority: 386.040, 386.250, 386.310, 392.200 RSMo (2000)

Missouri Public Service Commission Case No.: TX-2004-0106

If there are any questions, please contact: Bruce H. Bates, Associate General Counsel  
Missouri Public Service Commission  
200 Madison St.  
Post Office Box 360  
Jefferson City, Missouri 65102  
(573) 751-7434

Sincerely,

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

Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission

Enclosures

**Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240 – Public Service Commission  
Chapter 32 – Telecommunications Service**

**ORDER OF RULEMAKING**

By the authority vested in the Public Service Commission by sections 386.040, 386.250, and 392.200, RSMo, the commission amends a rule as follows:

**4 CSR 240-32.070 Quality of Service is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2003 (28 Mo Reg 2148-2149). 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: One party identified specific concerns with 4 CSR 240-32.070.

COMMENTS: The Missouri Telecommunications Industry Association (“MTIA”) expressed specific concerns regarding 4 CSR 240-32.070. Southwestern Bell Telephone, L.P. d/b/a SBC Missouri (“SBC”) and CenturyTel of Missouri, LLC (“CenturyTel”) expressed support for MTIA’s comments. MTIA recommends section (4) be amended as follows, “Each customer requesting the installation or repair of basic local telecommunications service will be provided with [a commitment as to] the date by which service will be installed or repaired.” MTIA states the term “commitment” has been difficult to define in a way that is commonly understood by the industry. According to MTIA’s comments the recommended amendment to the proposed rule will still clarify the requirement to provide all customers with a specific date to expect service.

The Office of the Public Counsel (“OPC”) expressed support for the proposed rule. Public Counsel states the proposed revisions appear reasonable and are designed to respond to often heard customer complaints concerning lack of specific time commitments for service installation or repairs.

RESPONSE: The Commission expects all companies to provide customers with the date the customer’s service will be installed or repaired. As an example, if a company intends to install or repair service on Tuesday for a given customer then the customer will be informed their service will be installed or repaired on Tuesday. MTIA’s recommended change appears to suggest the company could be less specific with the customer. In this same example, according to MTIA’s recommended revision, the company could inform the customer their service will be working by Friday even though the company planned to actually have it working three (3) days earlier. Stated differently, in response to installation requests, MTIA’s recommended revision would allow the company to simply indicate to the customer that service will be installed within five (5) business days. Repair requests could also be handled in a similar manner under MTIA’s proposal whereby the company simply provides a date “by which” service should be repaired. In other words, MTIA’s proposal appears to allow the company to provide a date by which the customer will have working service. MTIA’s proposal does not appear to require the company

to provide the actual date when the customer's service will be installed or repaired. The Commission believes MTIA's recommended revision will essentially make the quality of service category of installation commitments meaningless, as described in existing rule 4 CSR 240-32.080(5)(C). Therefore, the Commission rejects MTIA's proposal.