

MISSOURI PSC STAFF COMMENTS

The rulemaking proposes to rescind rules in Chapter 28 and Chapter 37 which pertain to certification or registration applications, reporting, assessments, service requirements, tariffs, interconnection agreements and 211 service, and numbering pooling and number conservation efforts respectively. Staff recommends the Commission rescind eight Chapter 28 rules and streamline them into new Chapter 28 rules. Staff recommends the rescission of all six rules in Chapter 37 which pertain to telephone numbering. Staff recommends streamlining and maintaining only two existing Chapter 37 rules. If approved, rescinding and streamlining these rules will not change the Missouri Commission's authority over telephone numbering. Most of the existing Chapter 37 regulations simply duplicate federal numbering requirements. This type of duplicative arrangement is unnecessary and perhaps confusing to providers. Companies with telephone numbering resources are required to comply with federal numbering requirements.

Staff's comments will further discuss Staff's support for the proposed rule revisions. In the first section Staff's comments will discuss Staff's support for the proposed rescinding of existing rules. Staff will provide the rationale for recommending rescinding the rule and, if necessary, whether it has proposed the subject matter be moved to the proposed Chapter 28 rules. The second section will discuss the proposed Chapter 28 rules. Staff's comments recommend a minor change to 4 CSR 240 28.016(2). Staff proposes to add clarification of a term within the rule.

Chapter 28 rule rescissions

Requirements contained in Chapters 28 and 37 will be streamlined, consolidated and maintained in the proposed Chapter 28 rulemaking. No new requirements are proposed. Rule rescission is more appropriate than attempting to amend existing rules given the significant streamlining and consolidation of these requirements. Listed below are the rules proposed for rescission and where the requirements will be maintained in the proposed Chapter 28 rulemaking:

- 4 CSR 240-28.020 (General Provisions). Staff supports rescinding this rule. The rule primarily repeats Missouri statutory authority and other Missouri Commission rules. The basic provisions of this existing rule are incorporated throughout the proposed Chapter 28 rulemaking.
- 4 CSR 240-28.030 (Certification or Registration Requirements). Staff supports the proposed rescission of this rule however application requirements for certificates and registrations still need to be maintained in Commission rules. Existing requirements from this rule have been simplified in proposed 4 CSR 240-28.011.
- 4 CSR 240-28.040 (Reporting Requirements). Staff supports the proposed rescission of this rule however reporting requirements still need to be maintained in Commission rules. Existing requirements for this rule have been simplified in proposed 4 CSR 240-28.012.

- 4 CSR 240-28.050 (Assessment Requirements). Staff supports the proposed rescission of this rule however assessment requirements still need to be maintained in Commission rules. Existing requirements for this rule have been simplified in proposed 4 CSR 240-28.012.
- 4 CSR 240-28.060 (Service Requirements). Staff supports the proposed rescission of this rule however basic standards for call completion and safety should still be maintained in Commission rules. Existing standards for call completion and safety are simplified in proposed 4 CSR 240-28.014.
- 4 CSR 240-28.070 (Tariffs). Staff supports the proposed rescission of this rule, however, requirements relating to tariffs and detariffing should still be maintained in Commission rules. Staff supports streamlining these rules into proposed 4 CSR 240-28.013.
- 4 CSR 240-28.080 (Interconnection Agreements). Staff supports the proposed rescission of this rule however interconnection agreement requirements should still be maintained in Commission rules. Staff supports streamlining these rules into proposed 4 CSR 240-28.013.
- 4 CSR 240-28.090 (211 Service). Staff supports the proposed rescission of this rule however 211 service requirements should still be maintained in Commission rules. Staff supports streamlining these rules into proposed 4 CSR 240-28.015.

Chapter 37 rule rescissions

This rulemaking proposes to rescind all rules in Chapter 37. Staff supports all of the proposed rescissions; however certain rules should be streamlined and moved to Chapter 28. No new requirements are proposed. Listed below are the rules proposed for rescission and where the requirements will be maintained in the proposed Chapter 28 rulemaking:

- 4 CSR 240-37.010 (General Provisions). Staff supports the proposed rescission of this rule. The rule simply provides the authority granted to the Missouri Commission regarding number pooling and number conversation efforts.
- 4 CSR 240-37.020 (Definitions). Staff supports the proposed rescission of this rule. Most of the existing definitions are unnecessary because the terms are either not used in the proposed Chapter 28 rulemaking or are terms commonly used within the industry.
- 4 CSR 240-37.030 (Thousands-Block Number Pooling). Staff supports the proposed rescission of this rule. The rule is duplicative of federal rules contained in 47 CFR 52.15.
- 4 CSR 240-37.040 (Requests for Review of the Decisions of the North American Numbering Plan Administrator or the Thousands-Block Pooling Administrator). Staff supports the proposed rescission of this rule however any requests for review of the decisions of the North American Numbering Plan Administrator or the thousands-block pooling administrator should still be maintained in Commission rules. Staff supports streamlining these rules into proposed 4 CSR 240-28.016.

- 4 CSR 240-37.050 (Reclamation). Staff supports the proposed rescission of this rule. The rule is duplicative of federal rules contained in 47 CFR 52.15 and 47 CFR 52.20.
- 4 CSR 240-37.060 (Reporting Requirements). Staff supports the proposed rescission of this rule. Some sections are duplicative of federal rules contained in 47 CFR 52.15; however, limited reporting requirements should still be maintained in the Commission's rules. Staff supports streamlining the existing reporting requirements into proposed 4 CSR 240-28.016.

Proposed Chapter 28 Rules:

Staff supports the proposed rules.

4 CSR 240-28.010 Definitions

This rulemaking proposes to revise, add and delete certain definitions. Staff supports the proposal to revise three definitions. The term "certification" was changed to "certificate of service authority". The definition's revised wording matches the types of certificates granted by the Commission. The definition for "interconnection agreement" removes unnecessary words and adds a reference to 47 U.S.C. 251. The definition of "shared tenant service" removes "generally" from the beginning of the definition.

Staff supports the proposal to add three definitions. The term "Commission's website" was added because various rules in Chapter 28 refer to the Commission's website for more information. The terms "Interconnected voice over internet protocol service (IVoIP)" and "Missouri jurisdictional revenue" were added to provide clarity because those terms are used in the proposed Chapter 28 rules.

Staff supports removing seven existing definitions. The terms "detariff", "interconnection services", and "wholesale service" are not used in the proposed Chapter 28 rules and therefore have been removed. The term "Information and Referral (I&R) service" is clarified within the rule and therefore has been removed. The definition for "net jurisdictional revenue" can be removed because the term is used solely in proposed 4 CSR 28.012(2)(B), which refers to 4 CSR 240-31 for the definition. The term "non-switched local exchange telecommunications service" is a commonly used term within the industry and is no longer needed. The definition for "total Missouri jurisdictional operating revenue" can be removed. This term is no longer used and has been replaced in Chapter 28 rules with the term "Missouri jurisdictional revenue".

4 CSR 240-28.011 Certificate of Service Authority and/or Registration

Staff supports the proposed rule. The rule codifies existing practice by streamlining requirements currently contained in 4 CSR 240-28.030 and 4 CSR 240-28.040.¹ The

¹Missouri Commission involvement with certificates and registrations are contemplated in such Missouri statutes as: Section 392.410, Section 392.440, Section 392.450, Section 392.455, Section 392.520, Section 392.611.4 (telco-related certification); Section 392.550 (IVoIP registration); Section 67.2679 (video registration).

streamlining consists of simplifying rule wording and referencing the Commission's website for sample application forms.²

4 CSR 240-28.012 Annual Reports, Statements of Revenue and Assessments

Staff supports the proposed rule. The rule proposes to maintain the basic requirement for certain companies to submit an annual report, statement of revenue and be subject to certain assessments.³ Such requirements are currently contained in 4 CSR 240-28.040 and 4 CSR 240-28.050 but this rulemaking simplifies the Commission's rules by referencing the Commission's website for forms, deadlines, instructions and so forth.⁴

4 CSR 240-28.013 Tariff Filings and Interconnection Agreements

Staff supports the proposed rule. The rule proposes to maintain but streamline the Commission's requirements for tariff filings and interconnection agreements currently contained in 4 CSR 240-28.070 and 4 CSR 240-28.080.⁵ The rule refers to the Commission's website for information on tariff format, the process for canceling and no longer maintaining a tariff and filing instructions for interconnection agreements.⁶

4 CSR 240-28.014 Network Configuration

Staff supports the proposed rule. The rule proposes to maintain but streamline some of the Commission's requirements currently contained in 4 CSR 240-28.060. The rule contains only two sections. Section (1) attempts to ensure all calls are completed while Section (2) ensures companies comply with safety standards identified in 4 CSR 240-18.010. Both sections provide network configuration standards.⁷

4 CSR 240-28.015 211 Service

Staff supports the proposed rule. The rule proposes to maintain the Commission's requirements currently contained in 4 CSR 240-28.090,⁸ but simplify the rule by referring to the Commission's website for 211 application and reporting requirements.⁹

² See [Service Authorization | Missouri Public Service Commission](#)

³ Missouri Commission reporting related expectations are contemplated in such Missouri statutes as: Section 392.210, Section 392.550.3(7), Section 392.611.1(2). Assessment expectations are contemplated in such Missouri statutes as: Section 386.370, Section 209.255, Section 392.248.3, Section 392.550.3, Section 392.611.1(1).

⁴ See [Reporting and Filing Obligations 1 | Missouri Public Service Commission](#) and [Assessments and Filing Requirements | Missouri Public Service Commission](#)

⁵ The Missouri Commission's involvement with tariffing is addressed in Section 392.480 and Section 392.461(2) and interconnection agreements in Section 392.611.3..

⁶ See [Telecommunications Tariffs | Missouri Public Service Commission](#) and [Interconnection Agreements 1 | Missouri Public Service Commission](#)

⁷ Section 392.611.3 describes the Missouri Commission's authority to include, "...network configuration or other such matters...."

⁸ Third Report and Order and Order on Reconsideration, FCC 00-256; *The Use of N11 Codes and Other Abbreviated Dialing Arrangements*, CC Docket No. 92-105; released July 30, 2000.

⁹ See [211 Service | Missouri Public Service Commission](#)

4 CSR 240-28.016 Telephone Numbering

Staff supports the proposed rule. The rule proposes to maintain Commission requirements currently contained in 4 CSR 240-37.040 and CSR 240-37.060; however, the proposed rule wording is more simple and direct.¹⁰ Section (1) outlines the application process to seek Commission approval to overturn a decision to deny a carrier's request for additional numbering resources. Section (2) requires carriers assigned or requesting numbering resources to comply with Commission Staff requests to provide certain information ensuring the company is complying with federal numbering rules.

To provide clarification, Staff recommends "(an estimate of a carrier's yearly numbering resource requirements at the thousands-block level per rate center)" be added to the last sentence of proposed 4 CSR 240-28.016(2). The revised sentence will now read "Such information includes, but is not limited to, all number utilization, number utilization forecast (an estimate of a carrier's yearly numbering resource requirements at the thousands-block level per rate center) and historical trend documentation and applications."

Summary

Staff supports the proposed rulemaking. These comments provide Staff's rationale for supporting the rules proposed for rescission in this rulemaking as well as for the proposed new rules. Staff recommends the Commission make one revision to the proposed rules which adds language clarifying the term "number utilization forecast" in proposed 4 CSR 240-28.010(2).

¹⁰ Section 392.511.3 RSMo contemplates Missouri Commission oversight of "...number pooling, and conversation efforts..." The Federal Communications Commission has also previously delegated authority specifically to the Missouri Commission in CC Docket No. 99-200 *In the Matter of Numbering Resource Optimization*. See Order and Fifth Further Notice of Proposed Rulemaking, FCC 06-14, released February 24, 2006 and Order, DA 00-1616; released July 20, 2000. See also PURPOSE portion of this proposed rule.