

MATT BLUNT  
Secretary of State  
Administrative Rules Division  
RULE TRANSMITTAL

\*Administrative Rules Stamp

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003-2003  
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SECRETARY OF STATE  
ADMINISTRATIVE RULES

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

A. Rule Number 4 CSR 240-32.080  
Diskette File Name 240-32.080 Word 2000  
Name of Person to call with questions about this rule:  
Content Bruce H. Bates Phone 573-751-7434 FAX 573-751-9285  
Data Entry Susan L. Sundermeyer Phone 573-751-4335 FAX Same as above  
Email Address brucebates@psc.state.mo.us  
Interagency Mailing Address Governor Office Building, 200 Madison St., 8th Floor, Jefferson City, MO  
Statutory Authority 386.040, 386.250, 386.310, 392.200 Current RSMo date 2000  
Date Filed With the Joint Committee on Administrative Rules Exempt per Sections 536.024 and 536.037, RSMo 2000, and Executive Order No. 97-97 (June 27, 1997)

B. CHECK, IF INCLUDED:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> This transmittal completed | <input type="checkbox"/> Incorporation by reference materials, if any |
| <input checked="" type="checkbox"/> Cover letter               | <input type="checkbox"/> Authority with history of the rule           |
| <input checked="" type="checkbox"/> Affidavit                  | <input type="checkbox"/> Public cost                                  |
| <input type="checkbox"/> Forms, number of pages <u>    </u>    | <input type="checkbox"/> Private cost                                 |
| <input type="checkbox"/> Fiscal notes                          | <input type="checkbox"/> Hearing and comment period                   |

C. RULEMAKING ACTION TO BE TAKEN

- ☐ Emergency Rulemaking, (check one) ☐ rule ☐ amendment ☐ rescission ☐ termination  
**MUST include effective date**
- ☒ Proposed Rulemaking (check one) ☐ rule ☒ amendment ☐ rescission  
☐ Order of Rulemaking (check one) ☐ rule ☐ amendment ☐ rescission ☐ termination  
**MUST complete page 2 of this transmittal**
- ☐ Withdrawal (check one) ☐ rule ☐ amendment ☐ rescission ☐ emergency  
☐ Rule action notice  
☐ In addition  
☐ Rule under consideration

D. SPECIFIC INSTRUCTIONS: Please indicate any special instructions (e.g., publication date preference, identify material to be incorporated by reference, or forms included herein).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**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.)

**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  
**KELVIN L. SIMMONS**  
 Chair  
**CONNIE MURRAY**  
**STEVE GAW**  
**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>  
 October 30, 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

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

ATTENTION: Administrative Rules Division

I do hereby certify that the attached are accurate and complete copies of the Proposed Amendments to Existing Rules lawfully submitted by the Missouri Public Service Commission for filing this 30th day of October 2003, that a takings analysis and small business impact analysis have occurred and that these proposed amendments do not constitute a taking of real property under relevant state and federal law.

Rules: 4 CSR 240-3.500	Definitions Pertaining Specifically to Telecommunication Company Rules
4 CSR 240-3.550	Telecommunication Company Records and Reports
4 CSR 240-32.020	Definitions
4 CSR 240-32.060	Engineering and Maintenance
4 CSR 240-32.070	Quality of Service
4 CSR 240-32.080	Service Objectives and Surveillance Levels

Statutory authority: 386.040, 386.250, 386.310, and 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,

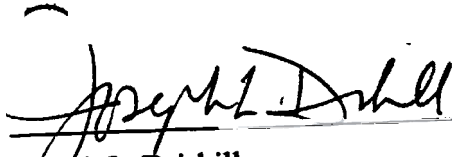
**Dan Joyce**  
 General Counsel  
 Missouri Public Service Commission

Enclosures

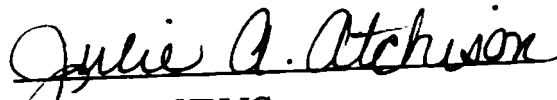
# AFFIDAVIT

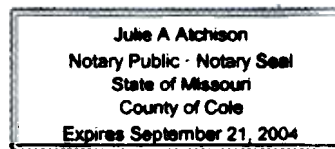
STATE OF MISSOURI )  
COUNTY OF COLE )

I, Joseph L. Driskill, 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 to 4 CSR 240-32.080 – Service Objectives and Surveillance Levels**, is less than five hundred dollars (\$500) in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

  
\_\_\_\_\_  
Joseph L. Driskill  
Director  
Department of Economic Development

Subscribed and sworn to before me this 21<sup>st</sup> day of October, 2003  
I am commissioned as a notary public within the County of Cole  
State of Missouri, and my commission expires on September 21, 2004

  
\_\_\_\_\_  
NOTARY PUBLIC



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

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OCT 30 2003

PROPOSED AMENDMENT

SECRETARY OF STATE

**4 CSR 240-32.080 Service Objectives and Surveillance Levels.** The commission is amending section (1), (2), (4) and (5) of the requirements that establish, collect and monitor data that makes up quality of service levels.

*PURPOSE: This amendment change provides clarification to the rule's objective and surveillance levels.*

(1) Each company shall make at least monthly measurements to determine the level of service for each applicable category using the criteria listed below. **Filing requirements for this area can be found in 4 CSR 240-3.550.** Any category that cannot be monitored continuously shall be tested during normal business hours. Since technology will continue to change the way telecommunications companies provide and monitor service and because of the vast range of central office sizes, a company may find it is not technically feasible to collect data for some categories.

(2) Each company is expected to provide service within each exchange or as otherwise **monitored in this section** that meets or exceeds the service objective level. If service within any exchange falls to or below the surveillance level, the company shall immediately investigate and take appropriate corrective action. **The identified problem and the corrective action taken shall be submitted to the commission with the company's quarterly report.**

(4) For purposes of preparing trouble reports, each verbal, **electronic** or written communication regarding trouble with an access line will be taken as a separate communication unless *[it is either a duplicate communication or it is due to CPE or inside wire. Multiple communications of customer trouble which relate to the same defect or specific difficulty may be recorded on a single report if that report clearly shows the total number of oral or written communications received.]* **the communication is a subsequent trouble report. A trouble report for the same access line should be recorded as a separate trouble report if the previously reported trouble was repaired or corrected and closed prior to this communication.**

(5) The service objectives, surveillance levels and monitoring criteria for the following categories are:

(A) Orders for basic local telecommunications service—

1. Service objective—that ninety percent (90%) or more of such orders shall be installed, except for customer-caused delays and a **declared natural disaster—**

A. Within five (5) working days after the customer ordered service; or

B. On or by the date requested if it is at least five (5) working days after the date the customer ordered service;

2. Surveillance level—eighty-five percent (85%) or below; and

3. Monitoring criteria—continuously, by exchange;

*[(B) Orders for regrade of service—]*

*[1. Service objective—that ninety-five percent (95%) of such orders not requiring substantial construction shall be completed within thirty (30) days after the date on which the customer ordered the service, except delays made at the request of the customer;]*

*[2. Surveillance level—ninety percent (90%); and]*

*[3. Monitoring criteria—continuously, by exchange;]*

**([C]/B) Installation [and regrade] commitments—all customers shall be given a commitment of when service will be installed in accordance with 4 CSR 240-32.070(4) —**

1. Service objective—that ninety-five percent (95%) or more of commitments for installation of basic local telecommunications service *[and regrade off]* service shall be met, except for customer-caused delays and a declared natural disaster[s];

2. Surveillance level—ninety percent (90%) or below; and

3. Monitoring criteria—continuously, by exchange; *[and]*

**([D]/C) Operator assisted calls—**

1. Service objective—that one hundred percent (100%) of operator assisted calls, *[including directory assistance,]* shall be answered on average within *[six (6)]* twelve (12) seconds or less of dialing “0”. This objective incorporates the required switch delay for 0- calls;

2. Surveillance level—*[eight (8)]* fourteen (14) seconds or more; and

3. Monitoring criteria—continuously, on a company-wide basis, if a company provides this service by contractor service, the company providing the basic local service shall monitor the contractor’s performance and report it as the local service provider’s results;

**([E]/D) Customer assistance calls—**

1. Service objective—that the average speed of answer for calls to the business office or repair bureau shall be fifteen (15) seconds or less;

2. Surveillance level—that average speed of answer for calls to the business office or repair bureau exceeding twenty (20) seconds on a continuous basis indicates a need for investigation and corrective action; and

3. Monitoring criteria—continuously *[if possible]*, on a company-wide basis via an interactive voice system, if not possible, manual monitoring of twenty-five (25) incoming calls to a service center will be conducted on a monthly basis;

**([F]/E) Originating switched calls—**

1. Service objective—that ninety-eight percent (98%) or more of calls shall receive a dial tone within three (3) seconds;

2. Surveillance level—ninety-seven and four-tenths percent (97.4%) or less; and

3. Monitoring criteria—continuously, *[if possible, or]* via dial tone delay or dial tone denial reports or if a company lacks the capability to produce such reports, based on at least twenty-five (25) test calls, by exchange. If a company provides this service by contractor service, the company providing the basic local service shall monitor the contractor’s performance and report it as the local service provider’s results ;

**([G]/F) Local exchange switched call completion—**

1. Service objective—that ninety-eight percent (98%) or more of local exchange switched calls shall be completed without encountering a blockage or equipment busy condition;

2. Surveillance level—ninety-five percent (95%) or less; and

3. Monitoring criteria—continuously, *[if possible, or]* **via switch call completion reports or if a company lacks the capability to produce such reports**, based on at least twenty-five (25) test calls, by exchange. **If a company provides this service by contractor service, the company providing the basic local service shall monitor the contractor's performance and report it as local service provider's results;**

**([H]G) Interexchange switched call completion—**

1. Service objective—that ninety-eight percent (98%) **or more** of interexchange switched calls shall be completed without encountering a blockage or equipment busy condition;

2. Surveillance level—ninety-five percent (95%) **or less**; and

3. Monitoring criteria—continuously, *[if possible, or]* **via call blockage reports or if a company lacks the capability to produce such reports**, based on at least twenty-five (25) test calls, by exchange **and if a company provides this service by contractor service, the company providing the basic local service shall monitor the contractor's performance and report it as local service provider's results; and**

**([I]H) Customer trouble reports—**

1. Frequency—

A. Service objective—that the frequency shall not exceed six (6) reports for every one hundred (100) access lines each month;

B. Surveillance level—*[eight (8) reports]* **shall not exceed eight (8) reports for every one hundred (100) access lines each month;**

C. Monitoring criteria—monthly, by exchange; and

D. The service objective and surveillance levels do not apply to trouble caused by CPE and inside wire or when the report is a *[duplicate or]* subsequent trouble report *[of]* for the same access line. **In order to exclude trouble reports caused by CPE or inside wire the company must specifically determine the cause is from CPE or inside wire. Trouble reports whereby a company simply tests the line and produces a “test ok” or “found ok” condition are still countable trouble reports and are not excludable from the company's trouble report rate;**

2. Clearing time—**Out of Service Conditions**

A. Service objective—that ninety percent (90%) **or more** of out-of-service trouble not requiring unusual repair shall be cleared within twenty-four (24) hours;

B. Surveillance level—eighty-five percent (85%) **or less**; and

C. Monitoring criteria—monthly by exchange; and

3. Repair commitments—**All customers shall be given a commitment of when service will be restored in accordance with 4 CSR 240-32.070(4)**

A. Service objective—that ninety percent (90%) **or more** of commitments for clearing trouble shall be met, except for customer-caused delays and a **declared** natural disaster[s];

B. Surveillance level—eighty-five percent (85%) **or less**; and

C. Monitoring criteria—monthly, by exchange.

**AUTHORITY:** sections 386.040, RSMo 1994 and 386.250, 386.310 and 392.200, Supp. RSMo 1998. \* Original rule filed Dec. 11, 1975, effective Dec. 23, 1975. Amended: Filed Dec. 12, 1977, effective July 13, 1978. Amended: Filed Aug. 13, 1984, effective Nov. 15, 1984. Rescinded and readopted: Filed Jan. 5, 1999, effective Sept. 30, 1999.

**\*Original Authority:** 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; 386.310, RSMo 1939, amended 1979, 1989, 1996; and 392.200, RSMo 1939, amended 1987, 1988, 1996.

***PUBLIC COST:*** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

***PRIVATE COST:*** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

***NOTICE TO SUBMIT COMMENTS:*** Anyone may file comments in support of or in opposition to this proposed amendment 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 within thirty (30) days after publication of this notice in the ***Missouri Register***. No public hearing is scheduled.