

**MATT BLUNT**

**Secretary of State  
Administrative Rules Division  
RULE TRANSMITTAL**

\*Administrative Rules Stamp

**RECEIVED COPY**  
MAR 30 2004  
SECRETARY OF STATE  
ADMINISTRATIVE RULES

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

A. Rule Number 4 CSR 240-33.160  
 Diskette File Name Proposed Rule 33.160  
 Name of person to call with questions about this rule:  
 Content Marc Poston Phone 573-751-8701 FAX 573-751-9285  
 Data entry Lesli Belt Phone 573-751-7499 FAX Same as above  
 Email address marc.poston@psc.mo.gov  
 Interagency mailing address Governor Office Building, 200 Madison St., 8th Floor, Jefferson City, MO  
 Statutory Authority 386.040, 386.250, 392.470 and 392.185(9) 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 checked="" 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 _____          | <input type="checkbox"/> Private cost                                  |
| <input type="checkbox"/> Fiscal notes                          | <input checked="" 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).

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

JCAR Stamp

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

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

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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.)



**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

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

**DANA K. JOYCE**  
General Counsel

March 30, 2004

Mr. Matt Blunt  
Secretary of State  
Administrative Rules Division  
600 West Main Street  
Jefferson City, MO 65101

Dear Secretary Blunt,

RE: Proposed Rulemaking, 4 CSR 240-33.160 Customer Proprietary Network Information

**CERTIFICATION OF ADMINISTRATIVE RULE**

I 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 on this 30<sup>th</sup> day of March 2004.

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 386.040, 386.250, 392.470 and 392.185(9) RSMo 2000.

If there are any questions, please contact:

Marc Poston, Senior Counsel  
P.O. Box 360  
Jefferson City, MO 65102  
(573) 751-8701, FAX (573) 751-9285  
[marc.poston@psc.mo.gov](mailto:marc.poston@psc.mo.gov)

**BY THE COMMISSION**

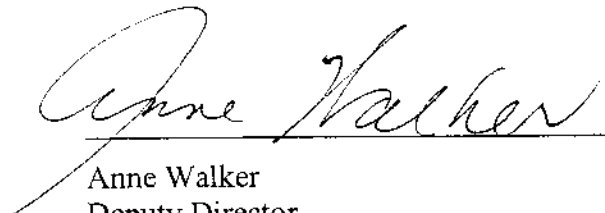
A handwritten signature in black ink, appearing to read 'Dale Hardy Roberts', written over the text 'BY THE COMMISSION'.

Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

## 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 Rule 4 CSR 240-33.160 – Customer Proprietary Network Information**, is less than five hundred dollars (\$500) in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

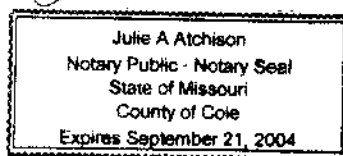
  
Anne Walker  
Deputy Director  
Department of Economic Development

Subscribed and sworn to before me this 27<sup>th</sup> day of February, 2004.

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



COPY

**TITLE 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 240—Public Service Commission**  
**Chapter 33 Service and Billing Practices for Telecommunications Companies**

**PROPOSED RULE**

**4 CSR 240-33.160 Customer Proprietary Network Information**

RECEIVED  
MAR 30 2004  
SECRETARY OF STATE  
ADMINISTRATIVE RULES

*PURPOSE: This rule establishes the procedures by which telecommunications companies may use, disclose, or permit access to customer proprietary network information.*

(1) Definitions. For the purposes of 4 CSR 240-33.160, the following definitions are applicable:

(A) Affiliate is any person, including an individual, corporation, service company, corporate subsidiary, firm, partnership, incorporated or unincorporated association, political subdivision, which directly or indirectly, through one (1) or more intermediaries, controls, is controlled by, or is under common control with the regulated telecommunications company.

(B) Agent is a person or entity who is authorized to act on behalf of a telecommunications company or its affiliates.

(C) Categories of service include basic local exchange telecommunications service; telecommunications service; exchange access services; information services typically provided by telecommunications companies; operator services; and directory assistance services.

(D) CMRS is a provider of commercial mobile radio service.

(E) Communications-related services are telecommunications services, information services typically provided by telecommunications companies, and services related to the provision or maintenance of customer premises equipment.

(F) Control (including the terms “controlling,” “controlled by,” and “common control”) is the possession, directly or indirectly, of the power to direct, or to cause the direction of the management or policies of an entity, whether such power is exercised through one (1) or more intermediary entities, or alone, or in conjunction with, or pursuant to an agreement with, one or more other entities, whether such power is exercised through a majority or minority ownership or voting of securities, common directors, officers or stockholders, voting trusts, holding trusts, affiliated entities, contract or any other direct or indirect means. The commission shall presume that the beneficial ownership of ten percent (10%) or more of voting securities or partnership interest of an entity constitutes control for purposes of this rule.

(G) Customer is a person or entity to which the telecommunications company is currently providing service or any person or entity with which the telecommunications company has had a prior service relationship.

(H) Customer proprietary network information (CPNI) is information that relates to the quantity, technical configuration, type, destination, location and amount of use of a telecommunications service subscribed to by any customer of a telecommunications company, and that is made available to the telecommunications company by the customer solely by virtue of the customer-telecommunications company relationship. Customer proprietary network information also is information contained in bills pertaining to basic local exchange telecommunications service or interexchange telecommunications service received by a customer of a telecommunications company. Customer proprietary network information does not include subscriber list information.

(I) Customer premises equipment (CPE) is equipment employed on the premises of a customer to originate, route, or terminate telecommunications.

(J) Independent contractor is a separate person, firm, or entity providing a telecommunications-related or unrelated service under a contractual relationship to or for the telecommunications company or some other firm or entity capable of gathering and/or utilizing CPNI.

(K) Information service is the offering of a capability for generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making available information via telecommunications, and includes electronic publishing, but does not include any use of any such capability for the management, control, or operation of a telecommunications system or the management of a telecommunications service.

(L) Information services typically provided by telecommunications companies are only those information services as defined in (K) that are typically provided by telecommunications companies, such as Internet access or voice mail services. Information services typically provided by telecommunications companies as used in this rule shall not include retail consumer services provided using Internet websites (such as travel reservation services or mortgage lending services), whether or not such services may otherwise be considered to be information services.

(M) Joint Venture Partner is a third party company that has a financial or other interest in a specific project in which a telecommunications company has an interest.

(N) Local exchange telecommunications company (LEC) is any company engaged in the provision of basic local exchange telecommunications services.

(O) Opt-in approval is a method for obtaining customer consent to use, disclose, or permit access to the customer's CPNI. This approval method requires that the telecommunications company obtain from the customer affirmative, express consent allowing the requested CPNI usage, disclosure, or access after the customer is provided appropriate notification of the telecommunications company's request consistent with the requirements set forth in this rule.

(P) Opt-out approval is a method for obtaining customer consent to use, disclose, or permit access to the customer's CPNI. Under this approval method, a customer is deemed to have consented to the use, disclosure, or access to the customer's CPNI if the customer has failed to object thereto within a 30-day minimum period of time after the customer is provided appropriate notification of the telecommunications company's request for consent consistent with these rules. A telecommunications company may, in its discretion, provide for a longer period. Telecommunications companies must notify customers as to the applicable waiting period for a response before approval is assumed.

(Q) Party is a participant in, or an agent or designee acting on behalf of and for the benefit of a participant to a transaction in which an end-user's CPNI is sold, transferred, shared or otherwise disseminated.

(R) Public Safety Answering Point (PSAP) is a communications location used by public safety agencies for answering emergency telephone service calls which originate in a given area. A PSAP may be designated as primary or secondary, which refers to the order in which calls are directed for answering. PSAPs may be located at police, fire or emergency medical service communications centers, or may be located in a specialized centralized communications center which handles all emergency communications for an area.

(S) Subscriber list information (SLI) is any information identifying the listed names of subscribers of a telecommunications company and such subscribers' telephone numbers,

addresses, or primary advertising classifications (as such classifications are assigned at the time of the establishment of such service), or any combination of such listed names, numbers, addresses, or classifications; and that the telecommunications company or an affiliate has published, caused to be published, or accepted for publication in any directory format.

(T) Telecommunications company is used as defined in Section 386.020 RSMo 2000.

(U) Telecommunications service is used as defined in Section 386.020 RSMo 2000.

(V) Third Party is a company not owned or controlled by or owning or controlling a telecommunications company. The third party usually operates outside the market in which a telecommunications company operates and does not provide communications-related services.

(2) Use of CPNI without customer approval.

(A) Any telecommunications company may use, disclose, or permit access to CPNI for the purpose of providing or marketing service offerings among the categories of service to which the customer already subscribes from the same telecommunications company, without customer approval.

1. If a telecommunications company provides different categories of service, and a customer subscribes to more than one category of service offered by the telecommunications company, the telecommunications company is permitted to share CPNI among the telecommunications company's affiliates that provide a service offering to the customer.

2. If a telecommunications company provides different categories of service, but a customer does not subscribe to more than one offering by the telecommunications company, the telecommunications company is not permitted to share CPNI with the telecommunications company's affiliates, except as provided in Section (3).

(B) A telecommunications company may not use, disclose, or permit access to CPNI to market to a customer service offerings that are within a category of service to which the customer does not already subscribe from that telecommunications company, unless the telecommunications company has customer approval to do so, except as described in Section (2)(C).

1. A telecommunications company may use, disclose or permit access to CPNI derived from its provision of basic local exchange telecommunications service or interexchange service, without customer approval, for the provision of CPE and call answering, voice mail or messaging, voice storage and retrieval services, fax store and forward, and protocol conversions.

2. A telecommunications company may not use, disclose or permit access to CPNI to identify or track customers that call competing telecommunications service providers. For example, a local exchange telecommunications company may not use basic local telecommunications exchange service CPNI to track all customers that call basic local exchange telecommunications service competitors.

(C) Approval not required for use of customer proprietary network information.

1. A telecommunications company may use, disclose, or permit access to CPNI, without customer approval, in its provision of inside wiring installation, maintenance, and repair services.

2. A telecommunications company may use CPNI, without customer approval, to market services such as, but not limited to, speed dialing, computer-provided directory assistance, call monitoring, call tracing, call blocking, call return, repeat dialing, call tracking, call waiting, caller I.D., call forwarding, and certain centrex features.

3. A telecommunications company may use, disclose, or permit access to CPNI to protect the rights or property of the telecommunications company, or to protect users of those services



and other telecommunications companies from fraudulent, abusive, or unlawful use of, or subscription to, such services.

4. A telecommunications company may use, disclose, or permit access to CPNI to Public Safety Answering Points (PSAPs) if the PSAP claims it needs the information to respond to an emergency. Information to be released is limited to that CPNI information as defined in 4 CSR 240-33.160(H).

(3) Approval required for use of CPNI.

(A) Use of Opt-Out and Opt-In Approval Process

1. A telecommunications company may, subject to opt-out approval or opt-in approval, use its customer's individually identifiable CPNI for the purpose of marketing communications-related services to that customer. A telecommunications company may, subject to opt-out approval or opt-in approval, disclose its customer's individually identifiable CPNI, for the purpose of marketing communications-related services to that customer, to its agents; its affiliates that provide communications-related services; and its joint venture partners and independent contractors. A telecommunications company may also permit such persons or entities to obtain access to such CPNI for such purposes. Any such disclosure to or access provided to agents, affiliates, joint venture partners and independent contractors shall be subject to the safeguards set forth in Subsection 2 below.

2. Agent/Affiliate/Joint Venture/Contractor Safeguards. A telecommunications company that discloses or provides access to CPNI to its agents, affiliates, joint venture partners or independent contractors shall enter into confidentiality agreements with those agents, affiliates, joint venture partners or independent contractors that comply with the following requirements. The confidentiality agreement shall:

A. Require that those agents, affiliates, joint venture partners or independent contractors use the CPNI only for the purpose of marketing or providing the communications-related services for which that CPNI has been provided;

B. Disallow the agents, affiliates, joint venture partners or independent contractors from using, allowing access to, or disclosing the CPNI to any other party, unless required to make such disclosure under force of law; and,

C. Require that the agents, affiliates, joint venture partners and independent contractors have appropriate protections in place to ensure the ongoing confidentiality of customers' CPNI.

(B) Except for use and disclosure of CPNI that is permitted without customer approval under Section (2) of this rule, or that is described in Subsection 2(B), or as otherwise provided in section 222 of the Communications Act of 1934, as amended, a telecommunications company may only use, disclose, or permit access to its customer's individually identifiable CPNI subject to opt-in approval.

(C) A telecommunications company may obtain approval through written, oral or electronic methods.

1. A telecommunications company relying on oral approval must bear the burden of demonstrating that such approval has been given in compliance with the Commission's rule.

2. Approval or disapproval to use, disclose, or permit access to a customer's CPNI obtained by a telecommunications company must remain in effect until the customer revokes or limits such approval or disapproval.

3. A telecommunications company must maintain records of approval, whether oral, written or electronic, for at least one year.

(4) Customer Notification Requirements.

(A) Prior to any solicitation for customer approval, a telecommunications company must provide notification to the customer of the customer's right to restrict use of, disclosure of, and access to that customer's CPNI.

1. A telecommunications company must maintain records of notification, whether oral, written or electronic, for at least one year.

(B) Individual notice to customers must be provided when soliciting approval to use, disclose, or permit access to customers' CPNI.

(C) Content of Notice. Customer notification must provide sufficient information to enable the customer to make an informed decision as to whether to permit a carrier use, disclose, or permit access to, the customer's CPNI.

1. The notification must state that the customer has a right, and the telecommunications company a duty, under federal and state law, to protect the confidentiality of CPNI.

2. The notification must specify the types of information that constitute CPNI and the specific entities that will receive the CPNI, describe the purposes for which CPNI will be used, and inform the customer of his or her right to disapprove those uses, and deny or withdraw access to CPNI at any time.

3. The notification must advise the customer of the precise steps the customer must take in order to grant or deny access to CPNI, and must clearly state that a denial of approval will not affect the provision of any services to which the customer subscribes. However, companies may provide a brief statement, in clear and neutral language, describing consequences directly resulting from the lack of access to CPNI.

4. The notification shall be comprehensible and shall not be misleading.

5. If written notification is provided, the notice must be clearly legible, use at least a 12-point font, and be placed in an area so as to be readily apparent to a customer.

6. If any portion of a notification is translated into another language, then all portions of the notification must be translated into that language.

7. A telecommunications company may state in the notification that the customer's approval to use CPNI may enhance the telecommunications company's ability to offer products and services tailored to the customer's needs. Such statement shall not be in a font size larger than the notification requirements.

8. A telecommunications company also may state in the notification that it may be compelled to disclose CPNI to any person upon affirmative written request by the customer.

9. A telecommunications company may not include in the notification any statement attempting to encourage a customer to freeze third party access to CPNI.

10. The notification must state that any approval, or denial of approval for the use of CPNI outside of the service to which the customer already subscribes to from that telecommunications company is valid until the customer affirmatively revokes or limits such approval or denial.

11. A telecommunications company's solicitation for approval must include a notification of a customer's CPNI rights. The CPNI rights must be in close proximity to the solicitation.

(D) Notice requirements specific to Opt-Out. A telecommunications company must provide notification to obtain opt-out approval through electronic or written methods, but not by oral

communication (except as provided in Section (4)(F)). The contents of any such notification must comply with the requirements of Section (4)(C).

1. Telecommunications companies must wait a 30-day minimum period of time after giving customers notice and an opportunity to opt-out before assuming customer approval to use, disclose, or permit access to CPNI. A telecommunications company may, in its discretion, provide for a longer period. Telecommunications companies must notify customers as to the applicable waiting period for a response before approval is assumed.

A. In the case of an electronic form of notification, the waiting period shall begin to run from the date on which the notification was sent; and

B. In the case of notification by mail, the waiting period shall begin to run on the third day following the date that the notification was mailed.

2. Telecommunications companies using the opt-out mechanism must provide notices to their customers every two years.

3. Telecommunications companies that use e-mail to provide opt-out notices must comply with the following requirements in addition to the requirements generally applicable to notification:

A. Telecommunications companies must obtain express, verifiable, prior approval from consumers to send notices via e-mail regarding their service in general, or CPNI in particular;

B. Telecommunications companies must allow customers to reply directly to e-mails containing CPNI notices in order to opt-out;

C. Opt-out e-mail notices that are returned to the telecommunications company as undeliverable must be sent to the customer in another form before companies may consider the customer to have received notice;

D. Telecommunications companies that use e-mail to send CPNI notices must ensure that the subject line of the message clearly and accurately identifies the subject matter of the e-mail; and

E. Telecommunications companies must make available to every customer a method to opt-out that is of no additional cost to the customer and that is available 24 hours a day, seven days a week. Telecommunications companies may satisfy this requirement through a combination of methods, so long as all customers have the ability to opt-out at no charge to the customer and are able to effectuate that choice whenever they choose.

(E) Notice requirements specific to Opt-In. A telecommunications company may provide notification to obtain opt-in approval through oral, written, or electronic methods. The contents of any such notification must comply with the requirements of Section (4)(C).

(F) Notice requirements specific to one-time use of CPNI.

1. Companies may use oral notice to obtain limited, one-time use of CPNI for inbound and outbound customer telephone contacts for the duration of the call, regardless of whether telecommunications companies use opt-out or opt-in approval based on the nature of the contact.

2. The contents of any such notification must comply with the requirements of Section (4)(C), except that telecommunications companies may omit any of the following notice provisions if not relevant to the limited use for which the telecommunications company seeks CPNI:

A. Telecommunications companies need not advise customers that if they have opted-out previously, no action is needed to maintain the opt-out election;

B. Telecommunications companies need not advise customers that they may share CPNI with their affiliates or third parties and need not name those entities if the limited CPNI usage will not result in use by, or disclosure to, an affiliate or third party;

C. Telecommunications companies need not disclose the means by which a customer can deny or withdraw future access to CPNI, so long as telecommunications companies explain to customers that the scope of the approval the telecommunications company seeks is limited to one-time use; and

D. Telecommunications companies may omit disclosure of the precise steps a customer must take in order to grant or deny access to CPNI, as long as the telecommunications company clearly communicates that the customer can deny access to his CPNI for the call.

(5) Release of customer proprietary network information resulting from bankruptcy, cessation of operation, merger or transfer of assets.

(A) The exiting carrier shall provide customers with advance notice of the transfer of CPNI data.

(B) Customer notification shall comply with Section (4) of this rule.

(C) Any opt-in/opt-out authorizations the customers previously executed with the exiting carrier shall be transferred to the new carrier automatically, thereby ensuring that customers maintain their privacy interests by protecting this information from disclosure and dissemination.

(6) Safeguards required for use of customer proprietary network information.

(A) Telecommunications companies must implement a system by which the status of a customer's CPNI approval can be clearly established prior to the use of CPNI.

(B) Telecommunications companies must train their personnel as to when they are and are not authorized to use CPNI, and companies must have an express disciplinary process in place.

(C) All telecommunications companies shall maintain a record, electronically or in some other manner, of their own, their agents', their affiliates', their joint venture partners', or their independent contractors' sales and marketing campaigns that use their customers' CPNI. All companies shall maintain a record of all instances where CPNI was disclosed or provided to third parties, or where third parties were allowed access to CPNI. The record must include a description of each campaign, the specific CPNI that was used in the campaign, and what products and services were offered as a part of the campaign. Telecommunications companies shall retain the record for a minimum of one year.

(D) A telecommunications company must establish a supervisory review process regarding telecommunications company compliance with the rules for outbound marketing situations and maintain records of telecommunications company compliance for a minimum period of one year. Specifically, sales personnel must obtain supervisory approval of any proposed outbound marketing request for customer approval.

(E) Telecommunications companies must provide written notice within five business days to the Commission of any instance where the opt-out mechanisms do not work properly, to such a degree that customers' inability to opt-out is more than an anomaly.

1. The notice shall be in the form of a letter, and shall include the telecommunications company's name, a description of the opt-out mechanism(s) used, the problem(s) experienced, the remedy proposed and when it will be/was implemented, a copy of the notice provided to customers, and contact information.

2. Such notice must be submitted even if the telecommunications company offers other methods by which customers may opt-out.

*AUTHORITY: sections 386.040, 386.250, 392.470 and 392.185(9), RSMo 2000. Original Rule Filed \_\_\_\_\_, 2004.*

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

*PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file a statement in support of or in opposition to this proposed rulemaking with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, P.O. Box 360, Jefferson City, MO 65102, (573) 751-3234. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. Comments should refer to Case No. TX-2003-0445. 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 June 8, 2004 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 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 Relay Missouri at 7-1-1.*

# MEMORANDUM

**TO:** Dale Hardy Roberts, Secretary

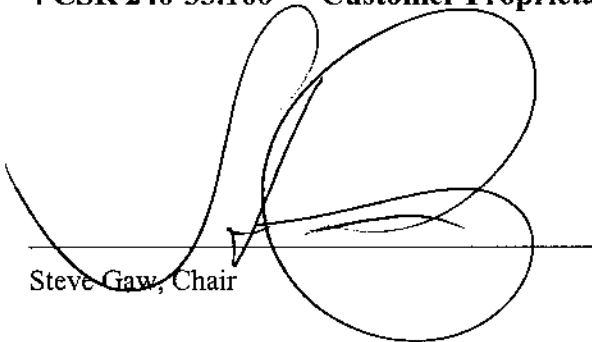
**DATE:** March 30, 2004

**RE:** Authorization to File the Proposed Rulemakings with the Office of Secretary of State

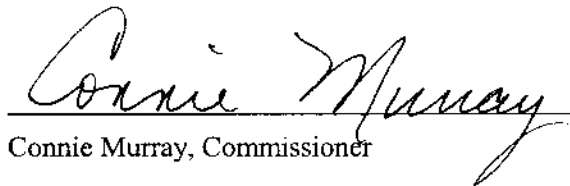
**CASE NO:** TX-2003-0445

The undersigned Commissioners hereby authorize the Secretary of the Missouri Public Service Commission to file the following Proposed Rulemaking with the Office of Secretary of State, to wit:

**4 CSR 240-33.160 --- Customer Proprietary Network Information**



Steve Gaw, Chair



Connie Murray, Commissioner



Robert Clayton, Commissioner