

John R. Ashcroft

Secretary of State
Administrative Rules Division

RULE TRANSMITTAL

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SECRETARY OF STATE
ADMINISTRATIVE RULES

Rule Number 4 CSR 240-31.015

COPY

Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:

Content Morris Woodruff Phone 573-751-2849 FAX 573-526-6010

Email address Morris.woodruff@psc.mo.gov

Data Entry Christine Koenigsfeld Phone 573-751-4256 FAX 573-526-6010

Email address Christine.Koenigsfeld@psc.mo.gov

Interagency mailing address Public Service Commission, 9th Floor Gov. Office Bldg, JC, Mo

TYPE OF RULEMAKING ACTION TO BE TAKEN

☐ Emergency Rulemaking ☐ Rule ☐ Amendment ☐ Rescission ☐ Termination

Effective Date for the Emergency _____

☐ Proposed Rulemaking ☐ Rule ☐ Amendment ☐ Rescission

☐ Rule Action Notice ☐ In Addition ☐ Rule Under Consideration

☐ Request for Non-Substantive Change

☐ Statement of Actual Cost

☒ Order of Rulemaking ☐ Withdrawal ☒ Adopt ☐ Amendment ☐ Rescission

Effective Date for the Order _____

☐ Statutory 30 days OR Specific date _____

Does the Order of Rulemaking contain changes to the rule text? ☐ NO

☒ YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

Section (3) (B), (C) and (D)

Small Business Regulatory
Fairness Board (DED) Stamp

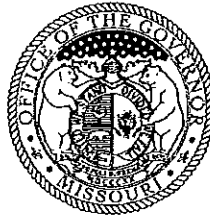
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ADMINISTRATIVE RULES

STATE CAPITOL
201 W. CAPITOL AVENUE, ROOM 216
JEFFERSON CITY, MISSOURI 65101



(573) 751-3222
WWW.GOVERNOR.MO.GOV

Michael L. Parson

GOVERNOR
STATE OF MISSOURI

August 30, 2018

Mr. Daniel Hall
Public Service Commission
200 Madison Street
PO Box 360
Jefferson City, MO 65102

RE: *Proposed Rulemaking*

Dear Daniel:

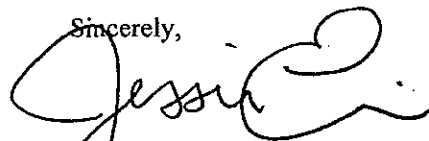
This office has received your proposed amendments, rules and rescissions for the regulations listed below.

- 4 CSR 240-28.010 – Definitions (proposed amendment)
- 4 CSR 240-31.010 – Definitions (proposed amendment)
- 4 CSR 240-28.011 – Certificate of Service Authority and/or Registration (proposed rule)
- 4 CSR 240-28.012 – Annual Reports, Statements of Revenue, and Assessments (proposed rule)
- 4 CSR 240-28.013 – Tariff Filings and Interconnection Agreements (proposed rule)
- 4 CSR 240-28.014 – Network Configuration (proposed rule)
- 4 CSR 240-28.015 – 211 Service (proposed rule)
- 4 CSR 240-28.016 – Telephone Numbering (proposed rule)
- 4 CSR 240-31.011 – Missouri USF Administration (proposed rule)
- 4 CSR 240-31.012 – Missouri USF Assessment (proposed rule)
- 4 CSR 240-31.013 – Missouri USF High Cost Support (proposed rule)
- 4 CSR 240-31.014 – Lifeline and Disabled Programs (proposed rule)
- 4 CSR 240-31.015 – ETC Requirements (proposed rule)
- 4 CSR 240-31.016 – ETC Application Requirements (proposed rule)
- 4 CSR 240-28.020 – General Provisions (proposed rescission)
- 4 CSR 240-28.030 – Certification or Registration Requirements (proposed rescission)
- 4 CSR 240-28.040 – Reporting Requirements (proposed rescission)
- 4 CSR 240-28.050 – Assessment Requirements (proposed rescission)
- 4 CSR 240-28.060 – Service Requirements (proposed rescission)
- 4 CSR 240-28.070 – Tariffs (proposed rescission)
- 4 CSR 240-28.080 – Interconnection Agreements (proposed rescission)
- 4 CSR 240-28.090 – 211 Service (proposed rescission)
- 4 CSR 240-31.020 – Organization, Powers, and Meetings of the Board (proposed rescission)
- 4 CSR 240-31.030 – The MoUSFA (proposed rescission)
- 4 CSR 240-31.040 – Eligibility for Funding – High Cost Areas (proposed rescission)
- 4 CSR 240-31.060 – The MoUSF Assessment (proposed rescission)
- 4 CSR 240-31.090 – Disbursement of MoUSF Funds (proposed rescission)
- 4 CSR 240-31.100 – Review Procedures for Support Payments (proposed rescissions)

- 4 CSR 240-31.110 – Review of Board and MoUSFA Activities (proposed rescission)
- 4 CSR 240-31.120 – Lifeline Programs and Disabled Programs (proposed rescissions)
- 4 CSR 240-31.130 – Eligible Telecommunications Carrier Requirements (proposed rescission)
- 4 CSR 240-37.010 – General Provisions (proposed rescission)
- 4 CSR 240-37.020 – Definitions (proposed rescission)
- 4 CSR 240-37.030 – Thousands-Block Number Pooling (proposed rescission)
- 4 CSR 240-37.040 – Request for Review of the Decisions of the North American Numbering Plan Administrator or the Thousands-Block Pooling Administrator (proposed rescission)
- 4 CSR 240-37.050 – Reclamation (proposed rescission)
- 4 CSR 240-37.060 – Reporting Requirements (proposed rescission)

Executive Order 17-03 requires this office's approval before state agencies release proposed regulations for notice and comment, amend existing regulations, rescind regulations, or adopt new regulations. After our review of this rulemaking, we approve the submission of these amendments, rules and rescissions to the Joint Committee on Administrative Rules and the Secretary of State.

Sincerely,



Jessie Eiler
Deputy Counsel



Commissioners
DANIEL Y. HALL
Chairman
WILLIAM P. KENNEY
SCOTT T. RUPP
MAIDA J. COLEMAN
RYAN A. SILVEY

Missouri Public Service Commission

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Director of Administration
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Staff Director

John Ashcroft
Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, Missouri 65101

Re: 4 CSR 240-31.015 ETC Requirements

Dear Secretary Ashcroft,

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the order of rulemaking lawfully submitted by the Missouri Public Service Commission.

Statutory Authority: sections 392.200.2, 392.248, and 392.470.1, RSMo 2016.

If there are any questions regarding the content of this order of rulemaking, please contact:

Morris L. Woodruff, Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street
P.O. Box 360
Jefferson City, MO 65102
(573) 751-2849
Morris.woodruff@psc.mo.gov

Morris L. Woodruff
Chief Regulatory Law Judge

Enclosures

**Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240 – Public Service Commission
Chapter 31 – Universal Service**

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SECRETARY OF STATE
ADMINISTRATIVE RULES

ORDER OF RULEMAKING

COPY

By the authority vested in the Public Service Commission under sections 392.200.2, 392.248, and 392.470.1 RSMo 2016, the commission adopts a rule as follows:

4 CSR 240-31.015 ETC Requirements is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2018 (43 MoReg 998-999). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the Code of State Regulations.

SUMMARY OF COMMENTS: The public comment period ended July 2, 2018, and the commission held a public hearing on the proposed rule on July 9, 2018. The commission received timely written comments from AT&T, Missouri Cable Telecommunications Association (MCTA), CenturyLink, Windstream Missouri, Verizon, the Small Telephone Company Group and Missouri Independent Telephone Company Group (STCG), the Missouri Telecommunications Industry Association (MTIA), and the staff of the commission. Whitney Payne, representing the commission's staff; Richard Telthorst, on behalf of MTIA; Brian McCartney, representing STCG; and Craig Johnson representing Chariton Valley Communications, appeared at the hearing and offered comments.

COMMENT #1: The commission's staff indicated the requirements of subsections 31.015(3)(A) and (B) are no longer needed and should be removed from the rule. AT&T concurs in that recommendation.

RESPONSE AND EXPLANATION OF CHANGE: The commission determines that requiring the filing of a copy of Form 481 remains necessary to assist in the review of compliance with reporting requirements. Subsection 31.015(3)(A) will not be removed from the rule. The Commission agrees with the comment on Subsection 31.015(3)(B) and that subsection will be removed from the rule. The remaining subsections will be renumbered.

COMMENT #2: Subsection 31.015(3)(C) requires an officer of the ETC to annually submit an affidavit verifying the company's compliance with specified requirements. AT&T argues this subsection should be eliminated because once the Lifeline National Eligibility Verifier is in use in Missouri, the ETCs will not be

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making eligibility determinations or annual eligibility recertifications for consumers in Missouri. As a result, it argues, the officer certifications will no longer be necessary.

RESPONSE: The Verifier described by AT&T is starting as a trial in a few states so there is no way to know when it may be available in Missouri. Further, the requirements of the subsection are not limited to just verifying customer eligibility. The Commission will not make any changes in response to this comment.

4 CSR 240-31.015 ETC Requirements.

(3) Annual filing requirement. In concurrence with the Form 481 deadline, an ETC shall annually submit into EFIS—

(A) A copy of the company's Form 481 report;

(B) Certification from an officer of the company attesting under penalty of perjury to the following information:

1. The company has policies and procedures in place to ensure Lifeline subscribers are eligible to receive Lifeline service;

2. The company is in compliance with all federal Lifeline certification procedures;

3. The company complies with the minimum service levels set forth in FCC rule §54.408; and

4. The company's Missouri operations solely use the name of the company as recognized by the commission for ETC designation in all marketing and USF-related materials;

(C) The website address containing information about the company's Lifeline service or alternatively state the company does not maintain such a website; and

(D) If the ETC has received or will receive high cost support then the company's officer certification should include the following additional attestations and information—

1. All federal high-cost support provided to the company within Missouri was used in the preceding calendar year and will be used in the coming calendar year only for the provision, maintenance and upgrading of facilities and services for which the support is intended;

2. The applicable study area code(s) of the company's high-cost service area; and

3. For wireless ETCs, the company complies with the latest edition of Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service.