

Jason Kander

Secretary of State
Administrative Rules Division

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SECRETARY OF STATE
ADMINISTRATIVE RULES

Rule Number 4 CSR 240-28.050

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

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

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TYPE OF RULEMAKING ACTION TO BE TAKEN

- Emergency rulemaking, include effective date
- Proposed Rulemaking
- Withdrawal Rule Action Notice In Addition Rule Under Consideration
- Request for Non-Substantive Change
- Statement of Actual Cost
- Order of Rulemaking

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:

Small Business Regulatory
Fairness Board (DED) Stamp

SMALL BUSINESS
REGULATORY FAIRNESS BOARD

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JOINT COMMITTEE ON

APR 1 2015

ADMINISTRATIVE RULES



Commissioners
ROBERT S. KENNEY
Chairman
STEPHEN M. STOLL
WILLIAM P. KENNEY
DANIEL Y. HALL
SCOTT T. RUPP

Missouri Public Service Commission

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and Regulatory Policy
CHERLYN D. VOSS
Director of Regulatory Review
KEVIN A. THOMPSON
Chief Staff Counsel

April 1, 2015

Jason Kander
Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, Missouri 65101

Re: 4 CSR 240-28.050 Assessment Requirements

Dear Secretary Kander,

CERTIFICATION OF ADMINISTRATIVE RULE

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

The Public Service Commission has determined and hereby certifies that this proposed rulemaking will not have an economic impact on small businesses. The Public Service Commission further certifies that it has conducted an analysis of whether there has been a taking of real property pursuant to section 536.017, RSMo 2000, that the proposed rulemaking does not constitute a taking of real property under relevant state and federal law, and that the proposed rulemaking conforms to the requirements of 1.310, RSMo, regarding user fees.


The Public Service Commission has determined and hereby also certifies that this proposed rulemaking complies with the small business requirements of 1.310, RSMo, in that it does not have an adverse impact on small businesses consisting of fewer than fifty full or part-time employees or it is necessary to protect the life, health, or safety of the public, or that this rulemaking complies with 1.310, RSMo, by exempting any small business consisting of fewer than fifty full or part-time employees from its coverage, by implementing a federal mandate, or by implementing a federal program administered by the state or an act of the general assembly.

Mr. Jason Kander
April 1, 2015
Page 2

Statutory Authority: sections 386.040, 386.250, 386.310, and 392.461, RSMo 2000 and 392.450,
RSMo Supp. 2013

If there are any questions regarding the content of this proposed 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 28 –Telecommunications, I-VoIP, Video Services

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ADMINISTRATIVE RULES

4 CSR 240-28.050 Assessment Requirements

PURPOSE: This rule identifies assessment requirements for companies offering telecommunications service or IVoIP service in Missouri.

(1) Commission Assessment. Any company with a certificate of service authority to provide basic local exchange, non-switched local exchange, interexchange telecommunications services, including payphone providers and shared tenant service providers, or any company registered to provide IVoIP service shall be subject to the commission assessment. Requirements for the assessment are listed below—

(A) The assessment shall be based on a company's total Missouri jurisdictional operating revenue as that term is defined in this chapter.

(B) The commission's annual assessment is based on the commission's expenditures relating to an industry (gas, electric, telecommunications, etc.) in the preceding fiscal year and assessed on a company's gross intrastate operating revenue for the previous calendar year (as reported by a company in its Statement of Revenue) to make up the necessary contribution for that industry. The commission issues a Report and Order establishing the new assessment amount in June each year.

(C) Assessment notices are mailed to all companies subject to the jurisdiction of the commission by July 1st. Payment is due by July 15th; however, companies may elect to make payment in quarterly installments.

(D) Any company failing to pay the assessment in a timely manner may be subject to penalties for failure to comply with a commission order or demand.

(2) Missouri Universal Service Fund Assessment. The Missouri Universal Service Fund assessment is applied to a company's net jurisdictional revenue as that term is defined in this chapter.

(A) Companies do not receive an invoice for the Missouri Universal Service Fund assessment.

(B) Delinquent payments are subject to late payment fees as determined by the Missouri Universal Service Fund Board and are posted on the Missouri Universal Service Fund Administrator's web site.

(C) Any company failing to pay the assessment in a timely manner may be subject to penalties for failure to comply with a commission order or demand.

(D) Additional information regarding the Missouri Universal Service Fund assessment is contained in commission rule 4 CSR 240-31.060.

(3) Relay Missouri Assessment. Any company with a certificate of service authority to provide basic local exchange telecommunications service or company registered to provide I-VoIP service shall be subject to this assessment.

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APR 1 2015
ADMINISTRATIVE RULES

(A) The Relay Missouri assessment applies to “access lines” as that term is defined in this chapter with the following additional clarifications:

1. The number of access lines associated with a high-capacity circuit will be determined on a voice-grade equivalent basis. For example one (1) high-capacity circuit equipped with twenty-four (24) voice-grade channels should be considered twenty-four (24) access lines.

2. One (1) line connected to a private branch exchange should be considered as one (1) access line.

3. The number of access lines associated with Centrex service to a subscriber’s location should be the number of Centrex stations capable of being used simultaneously.

(B) The Relay Missouri assessment will not apply to more than one hundred (100) access lines per subscriber location.

(C) A company shall label the surcharge as the “Relay Missouri Surcharge.”

(D) The Relay Missouri surcharge is exempt from taxes.

(E) A company is allowed to retain a portion of the revenue collected as instructed by the commission. If the amount collected is equal to or less than a minimum flat dollar retention amount set by the commission, then the company may retain the amount collected from the surcharge. In such situations, the company will not be reimbursed for the difference between the surcharge revenue collected and the minimum retention amount. The net revenue collected from the surcharge shall be remitted to the commission no later than thirty days after the last day of the calendar month. Specific payment instructions are posted on the commission’s web site at www.psc.mo.gov.

(F) Delinquent payments are subject to a late payment fee of one and five-tenths percent (1.5%) per month.

AUTHORITY: Sections 386.040, 386.250 and 386.310, 392.461, RSMo 2000, and 392.450 RSMo (Supp. 2013.).

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; 392.461, RSMo, and 392.450, RSMo (Supp. 2013).

PUBLIC COST: *This proposed rule will not cost state agencies or political subdivisions more than \$500.00 in the aggregate.*

PRIVATE COST: *This proposed rule will not cost private entities more than \$500.00 in the aggregate.*

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: *Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission’s offices on or before June 29, 2015, and should include a reference to Commission Case No. TX-2015-0097. 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 regarding this proposed rule is scheduled for July 6, 2015, at 10:00 a.m., in Room 305 of the Governor Office Building,*

200 Madison St., Jefferson City, Missouri. Interested persons may appear at this 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 TDD Hotline 1-800-829-7541.

Small Business Regulator Fairness Board

Small Business Impact Statement

Date: October 28, 2014

Rule Number: 4 CSR 240-28.050

Name of Agency Preparing Statement: Missouri Public Service Commission

Name of Person Preparing Statement: Kari Salsman

Phone Number: 573 526-5630

Email: kari.salsman@psc.mo.gov

Name of Person Approving Statement: Natelle Dietrich

Please describe the methods your agency considered or used to reduce the impact on small businesses (*examples: consolidation, simplification, differing compliance, differing reporting requirements, less stringent deadlines, performance rather than design standards, exemption, or any other mitigating technique*).

Proposed rule simplifies and streamlines rules, which will reduce any impact on small businesses.

Please explain how your agency has involved small businesses in the development of the proposed rule.

The Commission held workshops and solicited informal comments from affected entities, including small businesses.

Please list the probable monetary costs and benefits to your agency and any other agencies affected. Please include the estimated total amount your agency expects to collect from additionally imposed fees and how the moneys will be used.

None.

Please describe small businesses that will be required to comply with the proposed rule and how they may be adversely affected.

Telecommunications companies and IVoIP providers will be required to comply with the proposed rule.

Please list direct and indirect costs (in dollars amounts) associated with compliance.

N/A

Please list types of business that will be directly affected by, bear the cost of, or directly benefit from the proposed rule.

Telecommunications companies and IVoIP providers.

Does the proposed rule include provisions that are more stringent than those mandated by comparable or related federal, state, or county standards?

Yes___ No_X_

If yes, please explain the reason for imposing a more stringent standard.

For further guidance in the completion of this statement, please see §536.300, RSMo.