NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this Proposed Rule with the Missouri Board of Pharmacy, Kevin E. Kinkade, R. Ph., Executive Director., P.O. Box 625, Jefferson City, MO 65102, (314) 751-0091. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

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

PROPOSED RULE

4 CSR 240-32.100 Provision of Basic Local and Interexchange Telecommunications Service

PURPOSE: This rule prescribes the minimum technologies and service features constituting basic local and interexchange telecommunications service as provided by local exchange telecommunications companies.

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

(1) This rule shall apply to the provision of basic local and interexchange telecommunications service by local exchange telecommunications companies.

(2) The following technologies and service features shall constitute the minimum necessary for basic local and interexchange telecommunications service:

(A) Individual line service;

(B) Dual tone multi-frequency signaling;

(C) Electronic switching with Enhanced 911 (E-911) access capability;

(D) Digital interoffice transmission between central office buildings, excluding analog private line service;

(E) Penetration of the International Telephone and Telegraph Consultative Committee's Signaling System Number Seven (CCITT SS7) to the access tandem and toll center level of the switching hierarchy;

(F) Availability of custom calling features including, but not limited to, call waiting, call forwarding, three (3)-way calling and speed dialing;

(G) Equal access in the sense of dialing parity and presubscription among interexchange telecommunications companies for calling between Local Access and Transport Areas (interLATA presubscription).

(3) Within one hundred twenty (120) days of the effective date of this rule, all local exchange telecommunications companies shall submit to the telecommunications department of the commission three (3)- five (5)- and seven (7)-year plans for satisfying the minimum necessary elements of basic local and interexchange telecommunications service as set forth in section (2) of this rule. These plans shall include the following:

(A) Additional capital expenditures and current expenses, including increased depreciation and/or amortization expenses, expected to be incurred annually over and above what would be needed in the absence of a requirement to satisfy the minimum necessary elements of basic local and interexchange telecommunications service;

(B) Annual targets in terms of exchange access lines for the elimination of party line service;

(C) Annual targets in terms of exchange access lines for the replacement of electromechanical switches and the modification of electronic switches;

(D) Annual targets in terms of exchange access lines for the provision of dual tone multi-frequency signaling, the availability of custom calling features and E-911 access capability;

(E) Annual targets in terms of specific routes for the elimination of analog interoffice transmission systems;

(F) The quarter and year that CCITT SS7 will become operational at each access tandem or toll center;

(G) Annual targets for the number of exchange access lines that will be subject to interLATA presubscription according to the process described in section (4) of this rule.

(4) The equal access presubscription and processes shall be conducted in accordance with the requirements of the Federal Communications Commission (FCC) as set forth in 101 FCC2d 917 (1985), 101 FCC2d 935 (1985) and 102 FCC2d 505 (1985). Copies of the FCC orders may be obtained by contacting the Telecommunications Department of the Missouri Public Service Commission at P.O. Box 360, Jefferson City, MO 65102.

(5) Upon filing of the plans pursuant to section (3) of this rule by the local telecommunications companies, the commission shall initiate proceedings to review and implement the appropriate plan for each local telecommunications company.

(6) Upon proper application and after due notice, the commission may waive any provision of this rule for good cause shown.

Auth: sections 386.040, 386.250, 386.310, 392.200, 392.240 and 392.250, RSMo (Cum. Supp. 1990). Original rule filed Dec. 31, 1991.

STATE AGENCY COST: This Proposed Rule will not cost state agencies or political subdivisions more than $500 in the aggregate.

PRIVATE ENTITY COST: Approximately 33 telecommunications companies are likely to be affected by the adoption of this rule. The aggregate cost of compliance to the telecommunications companies is estimated to be $324,657,000 which would be spread over a period of three to seven years depending upon the modernization plan chosen by the commission for the individual company.

NOTICE OF PUBLIC HEARING: A public hearing for initial comments will be held in Jefferson City at the Public Service Commission, Truman State Office Building, 301 West High Street, Jefferson City, Missouri at 9:00 a.m. on March 16 and 17, 1992. A public hearing for reply comments will be held in Jefferson City at the Public Service Commission, Truman State Office Building, 301 West High Street, Jefferson City, Missouri on March 31, 1992 at 9:00 a.m. For further information concerning this action please contact Janet Sievert, Hearing Examiner, Missouri Public Service Commission, P.O. Box 360, Jefferson City, MO 65102.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 30—Division of Administration
Chapter 261—Pupil Transportation

PROPOSED RULE

5 CSR 30-261.050 Pupil Transportation Hardships

PURPOSE: This rule establishes guidelines for the assignment of pupils based upon the finding of an unusual or unreasonable transportation hardship pursuant to section 167.121, RSMo.

(1) For the purpose of this rule, the following terms shall mean:

(A) Natural barriers—Obstructions to travel that include, but are not limited to, streams, rivers, lakes and other factors, including those that may affect the general surface condition of a roadway;

(B) Travel time—That period of time required to transport a pupil from the pupil's place of residence or other designated pickup

training and experience pursuant to sections 337.021 and 337.033.1., RSMo:

A. Education and training—section 337.021, RSMo.

(I) For persons licensed prior to August 28, 1989, or who have been approved to sit for the examination prior to August 28, 1989, who subsequently obtain licensure pursuant to section 337.021, RSMo possession of a master's or doctoral degree from a program whose educational emphasis and training was in clinical psychology, counseling psychology, guidance and counseling, mental health services, counselor education or a program determined by the committee as providing training for psychological health services.

(II) For persons enrolled in a program prior to August 28, 1990, possession of a master's or doctoral degree as defined in 4 CSR 235-2.001 whose educational emphasis and training was in clinical psychology, counseling psychology or mental health services whose supervised practicum or internship was in the delivery of psychological health services as part of the graduate degree program; and

B. Supervision—section 337.021, RSMo.

(I) For persons licensed or approved to sit for the examination on the basis of a doctoral degree prior to August 28, 1989, one (1) year of post-degree supervised professional experience in the delivery of psychological health services and for persons licensed or approved to sit for the examination on the basis of a master's degree prior to August 28, 1989, three (3) years of post-degree supervised professional experience in the delivery of psychological health services.

(II) For persons obtaining licensure on the basis of a doctoral degree prior to August 28, 1996, one (1) year of post-degree supervised professional experience as defined in 4 CSR 235-2.020 in the delivery of psychological health services; and for persons obtaining licensure on the basis of a master's degree prior to August 28, 1996, three (3) years of post-degree supervised professional experience as defined in 4 CSR 235-2.030 in the delivery of psychological health services, provided; however, that all requirements for initial licensure are completed prior to August 28, 1996.

REVISED STATE AGENCY AND PRIVATE ENTITY COSTS: Since changes made in the Proposed Rule do not alter the cost estimates by more than ten percent, revised cost estimates are not necessary.

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

ORDER OF RULEMAKING

By the authority contained in sections 386.040, RSMo (1986), 386.250, RSMo (Cum. Supp. 1991), 386.310, RSMo (Cum. Supp. 1989), 392.200, RSMo (Supp. 1988), 392.240 and 392.250, RSMo (Supp. 1987), the Public Service Commission amends a rule as follows:

4 CSR 240-32.100 is amended.

A Notice of Proposed Rulemaking containing the text of the Proposed Rule was published in the *Missouri Register* on January 16, 1992 (17 MoReg 87). Those sections of the rule with changes are reprinted here and will become effective *December 3, 1992*—ten days after publication of the next update *(November 23, 1992)* following its appearance *(October 12, 1992)* in the *Code of State Regulations*. All sworn testimony presented at the hearings held on March 16, 17 and March 31, 1992 have been considered by the commission in making this decision.

SUMMARY OF COMMENT: Sworn testimony at the initial hearing held on March 16, 1992 was received from Curt Huttsell, Staff of the Missouri Public Service Commission (staff); Alfred G. Richter, Jr. and Dale Kaeshoefer, Southwestern Bell Telephone Company (SWB); Harold G. Rohrer, United Telephone Company (United); Barry W. Paulson and Gerald Harris, GTE Telephone Company (GTE); Steve Mowery, ALLTEL Service Corporation (ALLTEL) on behalf of Eastern Missouri Telephone Company and Missouri Telephone Company (all affiliates of ALLTEL, referred to as ALLTEL); Tom Blevins, Kingdom Telephone Company on behalf of Citizens Telephone Company, Holway Telephone Company, New London Telephone Company, Orchard Farm Telephone Company, Oregon Farmers Mutual Telephone Company and Stoutland Telephone Company (small telephone companies); Philip B. Thompson, Office of Public Counsel (public counsel); Gene Pogue, County Clerk for Henry County, representing the people of Henry County; and Lyle Cummings, a local independent insurance agent from Clinton in Henry County. Sworn testimony was received at the reply hearing held on March 31, 1992, from Curt Huttsell, staff, Dale Kaeshoefer and Katherine Swaller, SWB, Harold G. Rohrer, United, James Stroo, GTE, Philip B. Thompson, public counsel and Edward Cadieux, MCI.

The rule was supported in its entirety by Gene Pogue and Lyle Cummings. Staff supported the rule with a few modifications. All other parties agreed with the basic concept of the rule and support it to a limited extent.

Gene Pogue supports the rule and views a modern telecommunications system in Missouri as a means for his community to receive economic benefits.

Lyle Cummings supports the rule on the grounds of economic development and sees an upgraded telecommunications system as benefitting not only business but the community as a whole.

Staff supports the rule entirely but recommended a few modifications at the hearings for clarification purposes.

SWB contends the rule invades management's ability to plan and design its own network and to determine the services it will provide with existing or new technologies. SWB expressed concerns over the fact that the rule does not provide for a rate recovery mechanism if service upgrades are mandated. SWB contends that the rulemaking approach to network modernization will not provide the procedural due process contemplated by the statutes and prefers a company-by-company, case-by-case approach to insure that statutory due process rights are protected.

United believes the filing of three, five and seven-year plans is too inflexible and will not accommodate the differing business circumstances of individual companies. United also contends that the mandatory aspect of the rule will result in forced under-earnings for the duration of the implementation plan unless rate changes are included as a part of the plan. United argues that the mandatory approach of the plan will hinder telecommunications companies' ability to make future decisions on how to meet customer demands and implement emerging technologies that may not be known today. Additionally, United expressed concerns over the fact that the rule may require telecommunications companies to make uneconomic upgrades which will lead to higher rates to its customers.

GTE argued that standards should be set for basic local service, not standards for the technology to provide these services as this may prohibit telecommunications companies from using the most modern technology as it is developed. Additionally, GTE believes that the rule invades the management prerogative of the individual companies and that the rule should provide a mechanism to recover the cost of the investment to modernize.

ALLTEL contends that modernization should not be done just for the sake of modernization and should be conducted at a pace consistent with customer demand, willingness and ability to pay for the various services. Additionally, rigid time lines mandating modernization should be avoided as flexibility will allow modernization to proceed at a pace consistent with customer demands and overall public interest in changing technologies. ALLTEL argues that a mechanism should exist in the rule which compensates for undepreciated plant.

The small telephone companies contend that technologies should not be specified in the rule as it may inhibit the use of the most modern and advanced technology available and that the rule should contain a provision for the recovery of the cost of the investment to modernize. Additionally, the small telephone companies argued that management should be given the flexibility to develop a program that achieves the service quality standards in the rule in a manner that does not unduly burden the resources or rates of the company.

Public counsel expressed concerns that basic telecommunications service should be provided at the lowest possible rate that is consistent with adequate service. Public counsel contends that the rule mandates specific technologies without giving consideration to economic factors and that in naming specific technologies the rule is micro-managing the companies.

MCI argues that all references to basic local and interexchange service should be deleted from the rule so that the rule will simply establish minimum technologies and service features necessary for the provision of service by local exchange companies. MCI contends that the phrases "basic local telecommunications service" and "basic interexchange telecommunications service" are statutorily defined and refer solely to two-way switched voice service.

4 CSR 240-32.100(1)
MCI argues that the terms "basic local interexchange telecommunications service" and "basic interexchange telecommunications service" should be removed from the rule as they are defined in section 386.020(2) and (3), RSMo (1986) and solely refer to two-way switched voice service. MCI argues that use of these terms causes confusion in the rule and may be construed as an attempt to expand the statutory definitions of these terms, which would be unlawful.

The commission is of the opinion that the changes proposed by MCI are unnecessary. The commission is not attempting to expand the statutory definitions of these terms and has used them in this rule precisely because the rule pertains to two-way switched voice service provided by local exchange telecommunications companies.

Based on the foregoing, the commission determines that this section of the rule will be adopted as proposed.

4 CSR 240-32.100(2)
SWB proposes to modify this section by removing the terms technologies and minimum necessary and inserting objective standards arguing that this change will preserve each company's management prerogative to select the technologies best suited for the individual company.

ALLTEL recommends that the term "technologies" be removed from this section, as technology is ever changing. ALLTEL argues that the use of "technologies" could unintentionally prohibit the telecommunications companies from utilizing the most advanced technologies as they are developed.

The small telephone companies recommend modifying the rule to require service standards rather than technologies.

Public counsel proposes to modify this section by establishing that individual line service and touch-tone signaling constitute the minimum necessary for basic local and interexchange telecommunications service, thereby eliminating subsections (2)(D)—(G). Public counsel argues that the rule may expand the statutory definition of basic local and interexchange telecommunications. Public counsel contends that if basic local service is defined too broadly, basic local ratepayers will be required to bear the cost of services they are not interested in receiving.

The commission is of the opinion that the modifications proposed by SWB, ALLTEL and the small telephone companies are neither feasible nor necessary as not all telecommunications companies use the same term for the same service. The commission is of the opinion that it would not be sufficient to construct a rule in terms of service standards as each service would have to be meticulously defined so as not to be confused with a dissimilar service with the same label. The commission determines that specifying technologies is more precise as technologies are used to provide service and if a telecommunications company is providing service in Missouri, the technologies set out in this rule are acceptable. The commission is of the opinion that in establishing minimum elements for basic services the intention of this rule is not to discourage any telecommunications company from utilizing the most technologically-advanced equipment available. This intention is emphasized by the modification of the Proposed Rule adopted in (2)(C) and (E) of this rule. Additionally, 4 CSR 240-32.100(6) provides that upon proper application and after due notice, the commission may waive any provision of this rule for good cause shown. If, at some time in the future, more advanced technology is developed, the telecommunications companies may request a waiver if one is considered necessary. Furthermore, the commission determines that the modifications proposed by public counsel are unnecessary. The commission's intent is not to expand the statutory definition of basic local exchange and interexchange telecommunications service. The commission is of the opinion that the elements established in this rule provide the minimum necessary technology to provide adequate telecommunications service in Missouri. Additionally, the commission recognizes the economic ramifications of this rule and will take them into consideration when reviewing the plans presented. However, the commission is of the opinion that this section should be modified to include the word "elements" so as to further clarify this section.

Based on the foregoing, the commission determines that it is reasonable to adopt this section of the rule as modified in this Order of Rulemaking.

4 CSR 240-32.100(2)(A)
United argues that the text of this subsection is unclear as to the definition of individual line service and argues that the intent of this section is to provide one customer per line. Additionally, United argues that this subsection is unclear as to the technology which the company will be required to use to provide individual line service. United proposes to modify this subsection by defining individual line service and stating that the telecommunications companies will not be prevented from using the technologies of their choice to provide this service.

The commission agrees with United that the intent of this section is to provide service based on one customer per line, but disagrees that this section is unclear because individual line service is not defined. The commission would direct United's attention to 4 CSR 240-32.020 wherein individual line service is defined. In view of the adequacy of this definition, the commission disagrees that the technology to implement this subsection should be set out in the rule. The commission is interested in each customer having individual line service and not in prohibiting a telecommunications company from using the most modern technologically advanced equipment available.

In view of the foregoing, the commission finds that this section of the rule is reasonable and will be adopted as proposed.

4 CSR 240-32.100(2)(B)

SWB proposes to modify this subsection in terms of quality standards, rather than specific technologies. SWB argues that this section, as proposed, interferes with management's prerogative to select the most appropriate technologies for individual business needs.

United argues that the requirement of dual-tone multi-frequency signaling in this section is restrictive and may impede the telecommunications companies from the use of future technology. Additionally, United argues that the text of this subsection is unclear as to whether dual-tone multi-frequency signaling is to be included as part of the basic service rate or as just an optional service available to the customer. United proposes to modify this section by making dual-tone multi-frequency signaling available to the customer and not a part of basic service. Additionally, United proposes to modify this section to allow the telecommunications companies to use the most modern equipment available to implement dual-tone multi-frequency signaling.

GTE and ALLTEL propose to modify this subsection to clarify that dual-tone multi-frequency signaling is available to customers on an optional basis.

The staff recommends modification of this subsection to the "availability" of dual-tone multi-frequency signaling to clarify that this is an optional service.

The commission does agree with United, GTE, ALLTEL and Staff that this subsection is unclear as to whether dual-tone multi-frequency signaling is to be included as part of basic service. Therefore, the commission is of the opinion that this section should be modified as recommended.

Based on the foregoing, the commission finds that it is reasonable to adopt this section of the rule as modified in this Order of Rulemaking.

4 CSR 240-32.100(2)(C)
SWB proposes to modify this subsection to state quality standards, rather than specific technologies.

United contends that the use of technologies is too restrictive and may prevent the implementation of technology developed in the future. United further contends that the text of this subsection is unclear and is uncertain whether the telecommunications companies are required to actually provide E-911 service at each central office or just make it available in order that the equipment necessary to provide E-911 can be installed when a given community requests the service. United recommends modifying this section to further define the manner in which E-911 service will be provided and that E-911 equipment will not be required in the central offices until a given community requests the service.

GTE argues that the commission should set standards for basic local service, not for the technology to provide these services. GTE contends that in all likelihood GTE would use the technologies outlined in the Proposed Rule. GTE contends that by establishing minimum service standards, the individual telecommunications companies would be responsible for the engineering required to achieve the service standards. Therefore, GTE proposes to modify this section in terms of service features rather than technologies.

ALLTEL recommends modifying this subsection to remove the reference to technology and focus on the service to be provided and to modify the language to describe the manner in which E-911 is provided.

The commission is of the opinion that the modifications proposed by SWB to this subsection are unnecessary. For reasons previously determined, it is not sufficient to construct the rule in terms of quality standards rather than technologies. Additionally, the commission is of the opinion that E-911 is an essential service and that telecommunications companies in Missouri should have the capability to provide this service upon request. The commission determines that the language proposed by United to define E-911 service defines the term electronic switching and is, therefore, unnecessary. The commission recognizes the continual argument presented that specifically naming technology may impede the utilization of technology developed in the future and, therefore, determines that modifications to this particular subsection should be adopted to alleviate the concerns that the telecommunications companies may be prohibited from utilizing the most advanced technological equipment available.

The commission determines that GTE's proposal to modify this subsection in terms of services rather than technologies should be rejected. The commission is of the opinion that it is not sufficient to construct the rule in terms of services rather than technologies as frequently telecommunications companies have different names for the same service. Therefore, the use of services would require meticulous definitions for each service required to avoid confusion.

Furthermore, the commission is of the opinion that ALLTEL's modifications to this subsection are unnecessary as the proposed modifications merely describe the method in which E-911 is currently provided.

Based on the foregoing, the commission finds that it is reasonable to adopt this subsection of the rule as modified in this Order of Rulemaking.

4 CSR 240-32.100(2)(D)
SWB recommends rephrasing this subsection in terms of quality standards, rather than specific technologies.

United argues that this subsection should be modified to allow the telecommunications companies the ability to provide part of analog private line service by digital transmission and for the utilization of the most advanced technology available.

GTE argues that the commission should set service standards rather than technologies.

The commission determines that the recommended modifications by SWB and GTE to this subsection should be rejected. The commission is of the opinion for the reasons stated previously it is not sufficient to construct this rule in terms of quality or service standards rather than technologies. The commission further is of the opinion that United has misinterpreted this section. The intent of this section is to provide digital transmission between central offices. The exception of analog private line service in this rule is not intended to prohibit the telecommunications companies from providing part of that service by digital transmission. Additionally, the designation of digital transmission specifies the type of electronic signal to be utilized and does not prohibit the use of copper, microwave or fiberoptic cable as a transmission medium. Again, the commission does not intend for this subsection of the rule to impede the implementation of the most advanced technology and if, at some time in the future, a more advanced technology is developed a company may file a waiver under 4 CSR 240-32.100(6) to request the ability to implement the new technology.

Based on the foregoing, the commission is of the opinion that this subsection of the rule should be adopted as proposed.

4 CSR 240-32.100(2)(E)
SWB proposes to modify this subsection to establish quality standards rather than technologies.

United contends that the use of the terms toll center and access tandem in this section of the rule may lead to confusion as these terms may have different definitions within the telecommunications industry. Furthermore, United argues that the rule is unclear as to which companies must provide SS7 technologies and if the rule requires SS7-type signaling all the way to the end user. United recommends that the rule be revised to indicate that SS7 technology be provided in the network to a

service switching point and be deployed based on market demand and that deploying the service would not be mandatory.

GTE argues that the commission should establish service standards rather than technologies. Additionally, GTE states that the text of this subsection is unclear as to whether penetration of SS7 will include class 5 or class 4x end offices.

ALLTEL recommends modifying this subsection to establish services rather than technologies, thereby removing the requirement for a specific technology.

The commission is of the opinion that SWB's and ALLTEL's proposed modification should be rejected for the reason stated previously that it is not sufficient to construct the rule in terms of quality or service standards. The commission recognizes United's concerns regarding conflicting definitions for toll center and access tandem and GTE's concerns of whether both class 5 and class 4x end offices are included in this rule. The commission, therefore, determines that this section should be modified. The commission is of the opinion that the intent of this subsection is to have SS7 penetration down to the tandem level which includes access tandems and toll centers and which also includes class 4x end offices but not class 5 end offices. Therefore, the commission determines that these terms should be removed from this section. Additionally, the commission determines that tandem is to be defined as a central office where trunks are interconnected to transmit telecommunications traffic between other central offices. Furthermore, the commission is of the opinion that modification to this section should be adopted to alleviate the concerns that the telecommunications companies may be prohibited from utilizing the most advanced technological equipment available.

Based on the foregoing, the commission determines that it is reasonable to adopt this subsection of the rule as modified in this Order of Rulemaking.

4 CSR 240-32.100(2)(F)
SWB proposes to modify this subsection in terms of quality standards as opposed to technologies and to clarify that the custom calling features are provided on a customer optional basis.

United and GTE recommend modifying this subsection to clarify that custom calling features are provided on a customer optional basis and are not included in basic local rates. Additionally, United contends that this subsection is unclear and could be interpreted to include additional custom calling features as a minimum element of basic service.

ALLTEL proposes to modify this subsection by removing the phrase but not limited to. ALLTEL argues that this language is unnecessary as the rule is intended to establish minimum service goals. ALLTEL argues that telecommunications companies could always provide additional services as customer demands dictate and that specifying the particular minimum services will clarify the rule.

Staff proposes to modify the language of this subsection to include other custom calling features as they become available to eliminate the concerns raised by the telecommunications companies.

The commission is of the opinion that SWB's, United's, GTE's and staff's proposed modifications to clarify that custom calling features are optional are unnecessary. The commission is of the opinion that the intent of this subsection is to make custom calling features available so that customers will be able to obtain such services if they order them. Additionally, the commission determines that ALLTEL's modification is unnecessary as the intent of the language is not to curtail additional custom calling features but only to set particular custom calling features as a minimum available.

Based on the foregoing, the commission finds that it is reasonable to adopt this subsection of the rule as proposed.

4 CSR 240-32.100(2)(G)
United argues that in some exchanges it might not be appropriate to provide equal access. United argues that if only one interexchange carrier indicates to a telecommunications company that it would be willing to provide long distance service it will be uneconomical to install the necessary software to provide equal access.

The commission is of the opinion that this subsection of the rule should be mandatory as 4 CSR 240-32.100(6) provides that upon proper application and after due notice, the commission may waive any provision of this rule for good cause. In the unlikely event that a telecommunications company is presented with the situation described by United, it may apply for a waiver.

Based on the foregoing, the commission is of the opinion that this subsection should be adopted as proposed.

4 CSR 240-32.100(3)
SWB proposes to modify this section to require the telecommunications companies to submit plans to meet the requirements of this rule in terms of service standards rather than technologies. SWB argues this is consistent with its recommended modifications in section (2) and would preserve the ability of each company's management to select the best technology to address the unique needs of their individual network, customers and financial positions. Additionally, SWB proposes to add a new subsection to section (3) which would provide for the submission of plans for the recovery of expense and investment and the ability to earn an appropriate return on the investment associated with the requirements of this rule.

United recommends modifying this section to require the submission of one plan for accomplishing the requirements set out in this rule. United argues that requiring the companies to file three, five and seven-year plans is too structured and does not allow for individual company situations and may be unrealistic for some companies.

GTE recommends modifying this section to set a target date of the year 2000 for meeting the minimum service requirements and allowing each company to submit just one plan specifying the manner in which the company intends to comply. GTE argues that this will increase the commission's latitude and discretion in this section and, also, eliminate duplicate plans. Additionally, GTE argues this will give the telecommunications companies flexibility in implementing a plan that best fits their customers' needs.

ALLTEL recommends modifying this section to avoid rigid time-lines for the introduction or expansion of services. ALLTEL argues that any modernization schedule established as a result of this rule should be flexible enough to permit adjustments in timing as conditions change. ALLTEL further argues these modifications will permit modernization to proceed at an appropriate pace for each company, while eliminating unnecessary resource expenditures required to prepare multiple plans.

Staff proposes to modify this section to require two plans. One plan would meet the requirements of the rule in the year 2000, and a second plan would describe how the requirements of the rule will be met in a shorter time frame.

Public counsel recommends modifying this section to reflect that all minimum basic service features should be offered as soon as possible, while not imposing undue financial burdens on companies or ratepayers. Public counsel argues that modernization is an ongoing process and additionally recommends that periodic plans be filed every three to five years.

The commission is of the opinion that the modifications proposed by staff, SWB, United, GTE, ALLTEL and public counsel are unnecessary, as the intent of this section is to provide the commission sufficient information to

determine the most appropriate manner in which each company should proceed to achieve the requirements of this rule. Additionally, the commission determines that SWB's new subsection is also unnecessary as the companies may submit plans for recovery of their investment associated with achieving the requirements of this rule, but the commission is of the opinion that this type of determination is appropriately handled in a rate case proceeding. The commission finds, however, based on the comments of the telecommunications companies, that a fourth plan may be submitted at the option of the individual companies which sets out a modernization plan that is optimal for that particular company. Additionally, in order to provide the telecommunications companies sufficient time to adequately prepare the plans and to ensure the consistency with any order the commission might make in Case No. TO-92-306, the commission determines that the plans should be submitted 180 days after the promulgation of this rule rather than 120 days.

Based on the foregoing, the commission is of the opinion that this section of the rule should be adopted as modified in this Order of Rulemaking.

4 CSR 240-32.100(3)(A)
SWB proposes a new subsection (3)(A) which would modify this subsection to require analysis of whether the objective service features of the rule could be accomplished and whether the individual telecommunications companies are capable of providing adequate service during the time it takes to achieve the standards set out in this rule.

United recommends modifying this subsection to include the capital investment required to accomplish modernization using today's technologies and cost. Additionally, United proposes to set out specifically additional information to be included in the plan, such as—1) the number of years required to meet the standards set out in the rule, 2) estimate of increased annual revenue requirement, 3) resulting depreciation reserve deficiencies and 4) proposed plan to amortize this deficiency.

Public counsel recommends modifying this subsection to include estimated cost savings and estimated increased revenues that would be incurred by meeting the requirements of its proposed modifications to section (2) of this rule.

The commission is of the opinion that SWB's proposed new subsection (3)(A) is unnecessary, as 4 CSR 240-32.100(5) allows for a determination of the adequacy of the telecommunications facilities. The commission is of the opinion that, for the reasons previously stated, SWB's proposed modification to establish objective service features is unnecessary. The commission finds that the modifications proposed by United are unnecessary since they essentially duplicate the language of the rule. Furthermore, as the commission did not adopt public counsel's modification to section (2), it finds public counsel's modification to this subsection unnecessary. The commission is of the opinion that this subsection should be modified to clarify that only expenditures incurred as a result of this rule over and above what would have been spent in the normal course of business should be included in the plan.

Based on the foregoing, the commission is of the opinion that this subsection of the rule should be adopted as modified by this Order of Rulemaking.

4 CSR 240-32.100(3)(B)
United proposes to modify this subsection to detail the number of multi-party lines to be converted to individual line service and the annual estimate of multi-party lines remaining at the end of each plan year.

The commission is of the opinion that United's proposed modifications are unnecessary as the information required by this section is sufficient for the commission's needs.

Based on the foregoing, the commission is of the opinion that this subsection of the rule should be adopted as proposed.

4 CSR 240-32.100(3)(C)
SWB proposes to eliminate this subsection entirely arguing that a natural consequence of the rule will be the elimination of electromechanical switches. Therefore, SWB contends this subsection is unnecessary.

United proposes to modify this subsection by requiring the reporting of the number of central offices to be converted to electronic switching and an estimation of the number of offices that will be converted each year of the proposed plan.

The commission is of the opinion that the proposed modifications by SWB and United are unnecessary, as this section of the rule provides the information the commission deems relevant for their review of the plans submitted.

Based on the foregoing, the commission finds it reasonable to adopt this subsection of the rule as proposed.

4 CSR 240-32.100(3)(D)
SWB proposes to modify this subsection by establishing that the required reporting is in terms of services rather than technology and that dual-tone multi-frequency signaling is available as an optional service. Additionally, SWB and ALLTEL recommend modifying this subsection to set annual targets for the establishment of service standards rather than technology.

United proposes to modify this subsection in terms of time estimates for the achievement of the standard set out in this subsection rather than annual targets to require reporting of E-911 service capability rather than E-911 access capability.

United also recommends modifying this subsection to allow the telecommunications companies to submit their plans for deployment of SS7 and estimated dates for Service Switched Points rather than annual targets.

The commission is of the opinion that SWB's and United's proposed modifications to change this subsection from technologies to services are unnecessary, as the commission finds it insufficient to construct this rule in terms of services rather than technologies for the reason previously stated. The commission is of the opinion that United's proposal to provide the required information in terms of estimated dates does not meet the intentions of this rule. In order to make an informed decision on whether or not to adopt a proposed plan, the commission needs actual information, not estimations. The commission is of the opinion that this subsection should be modified regarding the availability of dual-tone multi-frequency signaling to comply with the modifications made to subsection (2)(B).

The commission is of the opinion that it is reasonable to adopt this subsection of the rule as modified in this Order of Rulemaking.

4 CSR 240-32.100(3)(E)
SWB proposes to modify this subsection in terms of services rather than technologies.

United proposes to modify this subsection in terms of time estimates for the achievement of the standards set out in the rule rather than annual targets.

The commission is of the opinion that the modifications proposed by SWB and United are unnecessary for the reason previously stated.

Based on the foregoing, the commission determines that this section of the rule should be adopted as proposed.

4 CSR 240-32.100(3)(F)
SWB and ALLTEL recommend modifying this subsection to set annual targets for the establishment of service standards rather than technology.

United recommends modifying this section to allow the telecommunications companies to submit their plans for deployment of SS7 as estimate dates for service switched points rather than annual targets.

The commission is of the opinion that SWB's, United's and ALLTEL's proposed modifications to this section are unnecessary for the reasons previously stated.

The commission finds it is reasonable to adopt this section of the rule as modified to comply with the modifications made to subsection (2)(E).

4 CSR 240-32.100(3)(G)
United proposes to modify this subsection in terms of annual estimates for the achievement of the standard set out in this section rather than annual targets.

The commission is of the opinion that for the reasons previously stated, United's proposed recommendations are unnecessary. The commission finds it reasonable to adopt this subsection as proposed.

4 CSR 240-32.100(4)
No party opposes this section of the Proposed Rule. The commission finds it is reasonable to adopt this section of the rule as proposed.

4 CSR 240-32.100(5)
SWB, United, GTE, ALLTEL, the small telephone companies and public counsel all raised the concern that prior to the implementation of any plan the commission, by statute, must first find that the telecommunications services being provided are inadequate.

The commission is aware of its statutory duties as specified in section 392.250, RSMo (Supp. 1987). The rule provides for the submission of plans specifying how the individual telecommunications companies can achieve the standards established in the rule. Upon submission of the plans, the commission will establish a docket to review the plans. The commission is of the opinion that this section should be clarified to assure the telecommunications companies that if an appropriate modernization plan cannot be formulated through negotiations, then formal proceedings will be held to satisfy all statutory requirements.

Based on the foregoing, the commission finds it reasonable to adopt this section of the Proposed Rule as modified in this Order of Rulemaking.

4 CSR 240-32.100(6)
SWB raised the concern that this section of the rule will not cure the procedural problems it deems are inherent in the rule. Public counsel raised the concern that the rule, as written, will require numerous filings of waivers by the telecommunications companies.

The commission is of the opinion that the intent of this section is not to alleviate procedural problems, if any exist, but to allow the telecommunications companies the opportunity to request waivers from this rule if their individual circumstances require it. Additionally, the commission anticipates that relatively few waivers will be filed.

Based on the foregoing, the commission is of the opinion that this section of the rule should be adopted as proposed.

4 CSR 240-32.100 Provision of Basic Local and Interexchange Telecommunications Service

(2) The following technologies and service features shall constitute the minimum necessary elements for basic local and interexchange telecommunications service:

(B) Availability of [~~D~~]dual tone multi-frequency signaling;

(C) Electronic switching with Enhanced 911 (E-911) access capability or an enhanced version thereof;

(E) Penetration of the International Telephone and Telegraph Consultative Committee's Signaling System Number Seven (CCITT SS7), or an enhanced version thereof, down to the [~~access~~] tandem [~~and toll center~~] level of the switching hierarchy;

(3) Within [~~one hundred twenty (120)~~] one hundred eighty (180) days of the effective date of this rule, all local exchange telecommunications companies shall submit to the telecommunications department of the commission three (3)[~~, five(5) and seven (7) year~~] plans for satisfying the minimum necessary elements of basic local and interexchange telecommunications service as set forth in section (2) of this rule. The first of these plans shall set targets to satisfy this rule within three (3) years, the second plan shall set targets to satisfy this rule within five (5) years and the third plan shall set targets to satisfy this rule within seven (7) years. An additional plan which the company considers is optimal in light of its individual business circumstances may be submitted to satisfy the elements set forth in section (2). These plans shall include the following:

(A) Additional capital expenditures and current expenses, including increased depreciation, amortization expenses, or both, that would be [~~expected to be~~] incurred annually over and above what would be needed in the absence of a requirement to satisfy the minimum necessary elements of basic local and interexchange telecommunications service;

(B) Annual targets in terms of [~~exchange~~] access lines for the elimination of party line service;

(C) Annual targets in terms of [~~exchange~~] access lines for the replacement of electromechanical switches and the modification of electronic switches;

(D) Annual targets in terms of [~~exchange~~] access lines for the [~~provision~~] availability of dual tone multi-frequency signaling, [~~the availability of~~] custom calling features and E-911 access capability;

(F) The quarter and year that CCITT SS7 will become operational at each [~~access~~] tandem [~~or toll center~~];

(G) Annual targets for the number of [~~exchange~~] access lines that will be subject to interLATA presubscription according to the process described in section (4) of this rule.

(5) [~~Upon filing of the plans pursuant to section (3) of this rule by the local telecommunications companies, the commission shall initiate proceedings to review and implement the appropriate plan for each local telecommunications company.~~] Upon receipt of the plans pursuant to section (3), the commission will establish a docket setting a schedule under which the staff will review each plan and make a recommendation to the commission either to a) approve a joint stipulation for implementation by the company or b) set the matter for hearing on the adequacy of that company's existing telecommunications facilities and plans.

REVISED STATE AGENCY AND PRIVATE ENTITY COSTS: Since changes made in the Proposed Amendment do not alter the cost estimates by more than ten percent, revised cost estimates are not necessary.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 10—Division of Employment Security
Chapter 2—Administration

ORDER OF RULEMAKING

By the authority vested in the director of the Division of Employment Security under section 288.220.5., RSMo (1986), the director amends a rule as follows:

8 CSR 10-2.040 is amended.

A Notice of Proposed Rulemaking containing the text of the Proposed Amendment was published in the *Missouri Register* on June 1, 1992 (17 MoReg 773, 774). An In Addition was also published in the *Missouri Register* on

June 15, 1992 (17 MoReg 851). Subsection (1)(A) is reprinted here for clarification. This Proposed Amendment becomes effective *December 3, 1992*—10 days after publication of the next update *(November 23, 1992)* following its revised appearance *(October 12, 1992)* in the *Code of State Regulations.*

SUMMARY OF COMMENT: No comments were received.

8 CSR 10-2.040 Facsimile Transmitted Legal Filing

(1)(A) Facsimile transmissions (fax) of claims protests [~~and contribution and wage reports~~] that are accomplished and received in the division's central office or any of its local offices by 5:00 p.m. Central Time on a regular workday (excluding Saturday, Sunday or legal holidays) will be considered as filed on that day. Fax transmissions received after 5:00 p.m. Central Time will be considered as filed on the next regular division workday. Date and time of receipt will be determined by the division's receiving office's facsimile machine. Fax transmissions received on Saturday, Sunday or legal holidays will be considered as filed on the next regular division workday. Persons making fax transmissions must retain their receipt with the original copy for reference by the division if so requested.

REVISED STATE AGENCY AND PRIVATE ENTITY COSTS: Since changes made in the Proposed Amendment do not alter the cost estimates by more than ten percent, revised cost estimates are not necessary.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 2—Definitions

ORDER OF RULEMAKING

By the authority vested in the Public Drinking Water Program under section 640.100, RSMo (Cum. Supp. 1989), the department amends a rule as follows:

10 CSR 60-2.015 is amended.

A Notice of Proposed Rulemaking containing the text of the Proposed Amendment was published in the *Missouri Register* on April 17, 1992 (17 MoReg 490). All comments received during the comment period were considered. Sections with changes are reprinted as follows. This Proposed Amendment will become effective *December 3, 1992*—10 days after publication of the next update *(November 23, 1992)* following its revised appearance *(October 12, 1992)* in the *Code of State Regulations.*

SUMMARY OF COMMENT: The department held a public hearing on May 22, 1992. No oral comments were received. One set of written comments was received during the comment period ending May 29, 1992.

COMMENT: The U.S. EPA commented that the definition for compliance cycle is missing the underlined language in the third sentence: "The first calendar year cycle begins January 1, 1993 and ends December 31, 2001; the second begins January 1, 2002 and ends December 31, 2010 . . ."
RESPONSE: This comment relates to an earlier draft of the rule. This correction was made prior to the publication of the Proposed Amendment in the *Missouri Register.*

COMMENT: The U.S. EPA commented that the definition for initial compliance period should refer to a date as ". . . at least 18 months after promulgation . . ." would put the beginning of the period into 1994.
RESPONSE: The present definition will be replaced with the following. "That period beginning January 1, 1993, for existing sources, and for new sources, the first full three-year compliance period which begins no more than 18 months after the source is placed in service."

10 CSR 60-2.015 Definitions

(43) Initial Compliance Period. [~~The first full three (3) year compliance period which begins at least eighteen (18) months after promulgation.~~] That period beginning January 1, 1993, for existing sources and for new sources, the first full three (3)-year compliance period which begins no more than eighteen (18) months after the source is placed in service.

REVISED STATE AGENCY AND PRIVATE ENTITY COSTS: Since changes made in the Proposed Amendment do not alter the cost estimates by more than ten percent, revised cost estimates are not necessary.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 4—Contaminant Levels and Monitoring

ORDER OF RULEMAKING

By the authority vested in the Public Drinking Water Program under sections 640.100 and 640.120, RSMo (Cum. Supp. 1989) and 640.125, RSMo (1986), the department amends rules as follows:

10 CSR 60-4.030 is rescinded.
10 CSR 60-4.030 is readopted.
10 CSR 60-4.040 is rescinded.
10 CSR 60-4.040 is readopted.
10 CSR 60-4.070 is rescinded.
10 CSR 60-4.070 is readopted.
10 CSR 60-4.100 is rescinded.
10 CSR 60-4.100 is readopted.
10 CSR 60-4.110 is rescinded.
10 CSR 60-4.110 is readopted.

Notices of Proposed Rulemaking containing the text of the Proposed Rescissions and Proposed Rules were published in the *Missouri Register* on April 17, 1992 (17 MoReg 490—497). All comments received during the comment period were considered. A number of comments were received proposing minor changes in wording which would clarify the intent of the Proposed Rules. Sections with changes are reprinted as follows. These Proposed Rescissions and Proposed Rules become effective *December 3, 1992*—10 days after publication of the next update *(November 23, 1992)* following its revised appearance *(October 12, 1992)* in the *Code of State Regulations.*

SUMMARY OF COMMENT: The department held a public hearing on May 22, 1992. No oral comments were received. Three sets of written comments were received on 10 CSR 60-4.030, four sets of written comments on 10 CSR 60-4.040, two sets of written comments on 10 CSR 60-070; two sets were received on 10 CSR 60-4.100; and no comments were received on 10 CSR 60-4.110.

These comments are regarding 10 CSR 60-4.030 Maximum Inorganic Chemical Contaminant Levels and Monitoring Requirements.

COMMENT: The U.S. EPA commented on the status of MCLs between the effective date of the rule (July?) and the January 1, 1993 compliance period beginning date. Are all monitoring requirements suspended in the interim? This question also impacts Section 141.23(l—q), in the corrections of the July 1, 1991 *Federal Register* notice.
RESPONSE: The MCLs become effective with the final rule (possibly in July). 10 CSR 60-4.030(3)(C) specifies that more frequent samples may be required and covers the intent of Section 141.23(l—q). The department intends to continue to implement the monitoring under current federal rules until the beginning of monitoring in January 1993 under new rules. Since the department provides testing at no cost we expect supplies to continue to monitor as requested.

COMMENT: City of Kansas City comment on 10 CSR 60-4.030 (1). We question the MCL application format to the different types of systems.
RESPONSE: 10 CSR 60-4.030(1) is specific as to the application of particular MCLs to each type of water system. No change is necessary.

COMMENT: Union Electric comment on 10 CSR 60-4.030(1). The maximum contaminant level (MCL) for #11 Total Nitrate and Nitrite is proposed as 0 mg/l. The federal limit is 10 mg/l (see January 30, 1991, *Federal Register* page 3594, Vol. 56, No. 20), and this level is referred to on page 511 in the *Missouri Register* of April 17, 1992 (10 CSR 60-8.010(7)(A)8). The proposed limit of 0 on page 492 is an apparent typographical error and should be corrected.
RESPONSE: This was a printing error, which will be corrected.

COMMENT: The U.S. EPA commented that waiver durations under 10 CSR 60-4.030(2)(A)3.A. should note that the waiver must be renewed every three years.
RESPONSE: This section will be changed to read, "A waiver remains in effect until the completion of the three year compliance period and must be renewed for subsequent compliance periods." This will be added after the sentence ending with three-year compliance period in line four.

COMMENT: U.S. EPA commented that the state regulations are not as specific as the federal rule because they attempt to simplify the monitoring requirements by using the term "source" to refer to both surface water sources and groundwater wells. This affects 10 CSR 60-4.030(4) and 10 CSR 60-4.030(2)(B).
RESPONSE: In the federal regulations Section 141.23(a)(1) and (a)(2) are identical except for the words groundwater and surface water. Also, 141.24(q)(1) and (2), and 141.24(H)(1) and (2) are similarly equivalent. We therefore believe that "source" can be applied to both groundwater and surface water and we propose to leave as it is.

COMMENT: The U.S. EPA also commented that it appears that by combining Surface water and groundwater, the monitoring requirement is more stringent. Reduced monitoring for all sources is allowed only if the samples are > 50% of the MCL, instead of just less than the MCL.
RESPONSE: We were aware that this would be the case, however we desired to be consistent between groundwater and surface water requirements and be simpler.

COMMENT: In 10 CSR 60-4.030(2)(A)3.A. and 4.030(2)(B)2.A., references to 10 CSR 60-6.050 should refer to 10 CSR 60-6.060.
RESPONSE: This was referenced in error and it will be corrected.

COMMENT: The U.S. EPA commented that 10 CSR 60-4.030(2)(B)2.B. uses the same language as the federal rule, however, it may be helpful to define the term "round."
RESPONSE: We believe that the context of the rule makes the intent clear, and therefore do not believe a definition would be beneficial.

COMMENT: The U.S. EPA commented that 10 CSR 60-4.030(6)(A) should add the word "method" in front of "detection limit" to clarify application.
RESPONSE: This is the same language the federal rule used, however we will add the word "method" to 10 CSR 60-4.030(6)(A) in order to clarify reference to the table in 10 CSR 60-5.010(5)(B)(1).

A minor change due to a typographical error in 10 CSR 60.4.030 (2)(C)1.C. is that the word "lasts" should be deleted because it doesn't belong.

These comments are regarding 10 CSR 60-4.040 Maximum Organic Chemical Contaminant Levels and Monitoring Requirements.

COMMENT: The U.S. EPA commented it appears that 10 CSR 60-4.040(6) should refer to 10 CSR 60-6.060 for waiver criteria, not 10 CSR 60-6.050.
RESPONSE: This was referenced in error and it will be corrected.

COMMENT: Union Electric Company commented on 10 CSR 60-4.040. The abbreviation for #8 dibromochloropropane is listed as DPCP. This should be DBCP.
RESPONSE: This was to be corrected in the Proposed Rule as published in the *Missouri Register*, however it was not. We will correct this in the final rule.

COMMENT: On May 8, 1992 the Environmental Protection Agency stayed (postponed) the effective date of drinking water maximum contaminant levels (MCLs) for aldicarb, aldicarb sulfoxide and aldicarb sulfone. Though the final MCLs were stayed, water systems are still required to monitor for these contaminants as unregulated contaminants until the underlying health risk assessment issues are resolved.
RESPONSE: These contaminants will be eliminated from 10 CSR 60-4.040(1) and included in 10 CSR 60-4.110(2)(A) as unregulated. When MCLs are established by EPA, we will make appropriate changes to the Missouri rules.

COMMENT: U.S. EPA commented that the state regulations are not as specific as the federal rule because they attempt to simplify the monitoring requirements by using the term "source" to refer to both surface water sources and ground water wells. This effects 10 CSR 60-4.040(2)(B).

RESPONSE: In the federal regulations section 141.23(a)(1) and (a)(2) are identical except for the words groundwater and surface water. Also, 141.24(q)(1) and (2) and 141.24(H)(1) and (2) are similarly equivalent. We therefore believe that "source" can be applied to both groundwater and surface water and we propose to leave as it is.

COMMENT: The U.S. EPA commented on the status of MCLs between the effective date of the rule (July?) and the January 1, 1993 compliance period beginning date. Are all monitoring requirements suspended in the interim?
RESPONSE: The MCLs become effective with the final rule (possibly in July). In order to cover the monitoring, a new section will be added. We will add 10 CSR 4.040(2)(D) which will say "the department may require more frequent monitoring than specified in this section of the rule or may require confirmation samples for positive or negative results at its discretion."

COMMENT: Union Electric Company commented on 10 CSR 60-4.040(1). The MCL for #3 Aldicarb Sulfoxide is proposed as 0.003 mg/l. The federal limit was set at 0.004 mg/l (see July 1, 1991, *Federal Register*, page 30280, Vol. 56, No. 126), and this level is referred to on page 512 in the *Missouri Register* on April 17, 1992 (10 CSR 60-8.010(7)(C)5). We believe again this could be a typographical error, and the MCL for aldicarb sulfoxide should be set at the same level as the federal limit.
RESPONSE: This was a typographical error, however the MCL for this family of compounds is being withdrawn by EPA. We will be moving this to the unregulated list in 10 CSR 60-4.110.

COMMENT: Union Electric Company commented on 10 CSR 60-4.040(2)(A). The paragraph states that the DNR will designate which year of the three-year sampling period 1993—1995 that each system must begin the initial round of quarterly sampling for synthetic organic chemicals (SOCs). In order for individual water suppliers to make appropriate arrangements to conduct the sampling, we encourage the DNR to make every effort to provide sufficient lead time to water suppliers when designating which year to begin sampling, and if certain common system types (for example, customer size, classification, etc.) are all to begin at one time, to clearly indicate what system characteristics are being used.
RESPONSE: It is the department's intent to have the 1993 sampling list available by October 1992.

COMMENT: The U.S. EPA commented that 10 CSR 60-4.040(4) concerning grandfathered data should refer to the section on monitoring protocol for reference to acceptable data collection.