

MATT BLUNT

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

*Administrative Rules Stamp

COPY

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

A. Rule Number 4 CSR 240-3.560
 Diskette File Name Final Order of Rulemaking 4 CSR 240-3.560
 Name of person to call with questions about this rule:
 Content Bob Berlin Phone 573-526-7779 FAX 573-751-9285
 Data entry Lesli Belt Phone 573-751-7499 FAX Same as above
 Email address bob.berlin@psc.mo.gov
 Interagency mailing address Governor Office Building, 200 Madison St., 8th Floor, Jefferson City, MO
 Statutory Authority 386.250 Current RSMo date 2000
 Date filed with the Joint Committee on Administrative Rules Exempt per Sections 536.024 and 536.037. RSMo 2000, and Executive Order No. 97-97 (June 27, 1997)

B. CHECK, IF INCLUDED:

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

C. RULEMAKING ACTION TO BE TAKEN

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

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

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.

E. ORDER OF RULEMAKING: Rule Number 4 CSR 240-3.560

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.)~~

The Commission clarified the application of the rule by adding to subsection (1) the qualifiers: "...*basic local or interexchange telecommunications...*" and "...*at least 30 days prior to cessation or discontinuance...*".



Commissioners

STEVE GAW
Chair

CONNIE MURRAY

ROBERT M. CLAYTON III

JEFF DAVIS

LINWARD "LIN" APPLING

Missouri Public Service Commission

POST OFFICE BOX 360
JEFFERSON CITY MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
<http://www.psc.mo.gov>

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

August 31, 2004

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

Dear Secretary Blunt,

RE: 4 CSR 240-3.560 – Telecommunications Procedure for Ceasing Operations

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 on this 31st day of August 2004.

Statutory Authority: section 386.250.

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

Bob Berlin
200 Madison
Jefferson City, MO 65102
Phone (573) 526-7779
Email: bob.berlin@psc.mo.gov

Sincerely yours,

A handwritten signature in black ink, appearing to read "Dale Hardy Roberts", written over a horizontal line.

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240 – Public Service Commission
Chapter 3 – Filing and Reporting Requirements

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under Section 386.250, RSMo. 2000, the Public Service Commission adopts a rule as follows:

4 CSR 240-3.560 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 3, 2004 (29 MoReg 730). 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 written public comment period ended June 2, 2004, and the commission held a public hearing on this proposed rule on June 4, 2004. Natelle Dietrich on behalf of the commission's staff filed comments and testified at the public hearing in support of the proposed rule. Mimi MacDonald, counsel for Southwestern Bell Telephone, LP d/b/a SBC Missouri (SBC), filed written comments and testified on the proposed rule at the public hearing. Michael Dandino of the Office of the Public Counsel testified at the public hearing generally in support of the proposed rule.

COMMENT: Mimi MacDonald of SBC, in her written comments, noted that it appears the intent of the rule was to establish procedures for telecommunications companies that cease to provide basic local service or interexchange service and sought clarification that the rule does not apply each time a company ceases offering an individual service product. She suggested a modification to the language to provide this clarification. During the public hearing, Natelle Dietrich, on behalf of staff, testified in support of SBC's suggested language change, which clarifies that the rule applies to companies that cease providing basic local or interexchange telecommunications service in Missouri or certain Missouri exchanges.

RESPONSE AND EXPLANATION OF CHANGE: The commission has considered the comments and agrees that the applicability of the proposed rule should be clarified. The proposed rule will be modified as suggested by SBC and supported by staff. The proposed rule will be further modified to include a 30 day timeframe as to the applicability of the proposed rule.

4 CSR 240-3.560 Telecommunications Procedure for Ceasing Operations

(1) All telecommunications companies ceasing operation in Missouri or discontinuing basic local or interexchange telecommunications service to any geographic service area within the state shall provide to the commission at least 30 days prior to cessation or discontinuance:

(A) A statement of reasons for ceasing or discontinuing service;

- (B) Date of planned service cessation or discontinuance;
- (C) Geographic areas affected by cessation or discontinuance of service;
- (D) A brief description of the service(s) to be ceased or discontinued;
- (E) A statement as to whether the company's tariff(s) and certificate shall remain in effect or be cancelled.
- (F) A statement that all affected customers have been notified at least thirty (30) days prior to the cessation or discontinuance; and,
- (G) A statement that all affected customers have been informed as to how they can select a new service provider.

MEMORANDUM

TO: Dale Hardy Roberts, Secretary

DATE: August 31, 2004

RE: Authorization to File Final Orders of Rulemaking with the Office of the Secretary of State

CASE NO: TX-2003-0389

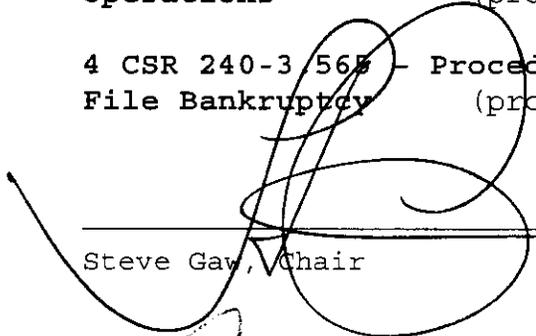
The undersigned Commissioners hereby authorize the Secretary of the Missouri Public Service Commission to file with the Office of the Secretary of State, to wit:

4 CSR 240-3.530 - Filing Requirements for Telecommunications Company Applications for Authority to Issue Stock, Bonds, Notes and Other Evidences of Indebtedness (proposed amendment)

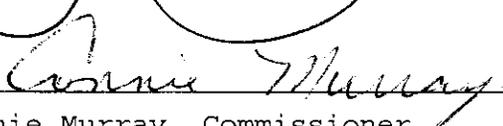
4 CSR 240-3.535 - Filing Requirements for Telecommunications Company Applications for Authority to Acquire the Stock of a Public Utility (proposed amendment withdrawal)

4 CSR 240-3.560 - Telecommunications Procedure for Ceasing Operations (proposed new rule)

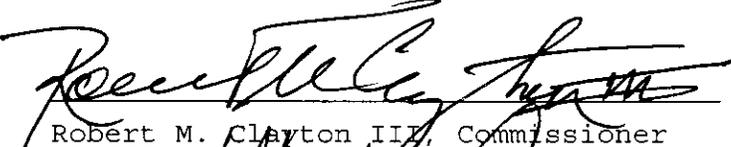
4 CSR 240-3.565 - Procedure for Telecommunications Companies that File Bankruptcy (proposed new rule)



Steve Gaw, Chair



Connie Murray, Commissioner



Robert M. Clayton III, Commissioner



Jeff Davis, Commissioner



Lin Appling, Commissioner