

# Robin Carnahan

Secretary of State  
Administrative Rules Division  
RULE TRANSMITTAL

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MAY 06 2005

SECRETARY OF STATE  
ADMINISTRATIVE RULES

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

- A. Rule Number 4 CSR 240-29.100  
Diskette File Name Final Rule 29.100  
Name of person to call with questions about this rule:  
Content Keith R. Krueger Phone 573/751-7510 FAX 573/751-9285  
E-mail address keith.krueger@psc.mo.gov  
Data entry Carla Schnieders Phone 573-522-9038 FAX 573-526-6969  
E-mail address carla.schnieders@psc.mo.gov  
Interagency mailing address GOB, 200 Madison Street, 8<sup>th</sup> Floor, J.C. MO 65102  
Statutory Authority Sections 386.040 and 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. CHECKLIST guide for rule packets:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> This transmittal completed | <input type="checkbox"/> Forms, number of pages _____               |
| <input checked="" type="checkbox"/> Cover letter               | <input type="checkbox"/> Authority section with history of the rule |
| <input type="checkbox"/> Affidavit                             | <input type="checkbox"/> Public cost statement                      |
| <input type="checkbox"/> Small business impact statement       | <input type="checkbox"/> Private cost statement                     |
| <input type="checkbox"/> Fiscal notes                          | <input type="checkbox"/> Hearing date _____                         |

C. RULEMAKING ACTION TO BE TAKEN

- ☐ Emergency rulemaking (choose one) ☐ rule, ☐ amendment, ☐ rescission, or ☐ termination

**MUST** include effective date \_\_\_\_\_

- ☐ Proposed Rulemaking (choose one) ☐ rule, ☐ amendment, or ☐ rescission  
☒ Order of Rulemaking (choose one) ☒ rule, ☐ amendment, ☐ rescission, or ☐ termination

**MUST** complete page 2 of this transmittal

- ☐ Withdrawal (choose one) ☐ rule, ☐ amendment, ☐ rescission or ☐ emergency)  
☐ Rule action notice ☐ In addition ☐ Rule under consideration

- D. SPECIFIC INSTRUCTIONS: Any additional information you may wish to provide to our staff \_\_\_\_\_

Small Business Regulatory  
Fairness Board (DED) Stamp

JCAR Stamp

**RULE TRANSMITTAL (PAGE 2)**

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E. ORDER OF RULEMAKING: Rule Number 4 CSR 240-29.100

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. Give an explanation of each section, subsection, etc. which has been changed since the proposed rulemaking was published in the Register.

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

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

COPY

Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240 – Public Service Commission  
Chapter 29 – Enhanced Record Exchange Rules

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SECRETARY OF STATE  
ADMINISTRATIVE RULES

**ORDER OF RULEMAKING**

By the authority vested in the Public Service Commission under Sections 386.040 and 386.250 RSMo 2000, the Commission adopts a rule as follows:

**4 CSR 240-29.100 Objections to Payment Invoices is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 3, 2005 (30 MoReg 49). No change is made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

COMMENT: SBC opposes this rule as overly formal.

COMMENT: The Telecommunications Department Staff (Staff) recommends this rule be implemented without change. Staff states this rule defines the term “unidentified traffic” and establishes clear and expedited dispute resolution procedures involving receipt of such traffic. Staff opines that this rule encourages a thorough examination of billing problems and sets forth an intercarrier dispute resolution process whereby the parties may ultimately bring a dispute to the Commission in the event they are unable to resolve via informal dispute resolution. Staff describes a streamlined process which will permit a regulatory law judge to make a decision, which shall be the Commission’s decision, except that any party shall have twenty (20) days to request a full Commission review of the judge’s decision.

COMMENT: The Small Telephone Company Group (STCG) supports this rule because it establishes a dispute resolution procedure to resolve objections to invoices received from terminating carriers. The STCG states it supports the concept of a dispute resolution procedure that facilitates expeditious resolution of billing disputes and discrepancies.

COMMENT: The Missouri Independent Telephone Company Group (MITG) supports this rule as providing an expedited dispute resolution process applicable to disputed invoices as well as to unidentified traffic.

COMMENT: Sprint recommends elimination of this proposed rule. Sprint opines that carriers have long-established billing dispute resolution procedures. Without explanation, Sprint states that the rule seeks a change in the business relationship between tandem carriers and end office carriers.

RESPONSE: We will implement this rule without change. We disagree with Sprint’s contention of a long-established billing dispute resolution procedure for transiting traffic. In fact, the billing relationship associated with traffic traversing the LEC-to-LEC network

is a relatively recent development. This is especially true for transiting traffic. We find that the long-established dispute resolution referenced by Sprint is more applicable to the business relationship inherent to the interexchange carrier network. The business relationship inherent to the LEC-to-LEC network is not sufficient to have developed any experiences with a dispute resolution track record. This is especially so in a business relationship where, as with transiting traffic, the terminating carrier has no business relationship with the carrier responsible for invoice payment.

We also disagree with SBC's characterization of this rule as overly formal. What SBC characterizes as overly formal and convoluted we find clear, concise, and detailed enough to provide guidance to parties who wish to avail themselves of the dispute resolution process. Our rule is intended to provide for the timely resolution of billing disputes among the involved parties, without Commission intervention. In the event parties are unable to resolve the dispute, our rule codifies the steps necessary to bring the matter to the Commission's attention. Our rule contemplates an expedited hearing process, without the need for mandatory prefiled testimony. Our expedited process calls for a regulatory law judge to render a binding decision which may be appealed to the full Commission at the discretion of one party or the other. We find this process is not overly complicated and we will implement this rule without change.

#### 4 CSR 240-29.100 (3)

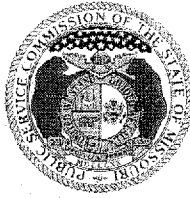
COMMENT: SBC opposes the manner in which this section permits connecting carriers to report receipt of unidentified traffic. SBC states that mere notification is insufficient to conduct an investigation of unidentified traffic, and suggests expanding the rule to include sufficient information about each call the terminating carrier believes is unidentified. SBC also characterizes as impractical the notification requirements imposed on terminating tandem carriers. SBC states that, by definition, if a call is "unidentified," neither the terminating carrier nor the tandem carrier would know which upstream carrier to notify. SBC states that such requirement would require it to notify all carriers in the LATA in order to comply with this section. SBC concludes its written comments on the section by stating that a "thorough investigation" be conducted to determine if unidentified traffic is even an issue anymore.

RESPONSE: We will implement this section without change. SBC mischaracterizes this section as requiring an investigation based on a simple e-mail request to do so. In fact, our rule requires the objecting carrier to provide the Calling Party Number (CPN) and other such information as is in its possession to enable the tandem provider to investigate the unidentified traffic.

We also reject SBC's contention that this section is impractical because "unidentified traffic" is, by definition, "unidentified." SBC's definition suffers the same fatal flaw as the STCG's. This section of our rule defines "unidentified traffic" as a compensable call for which no Category 11-01-XX billing record was received. As we have explained in our response to the STCG, our rules ensure that terminating carriers will have to diagnose the CPN and other relevant factors to determine if a call is at first compensable. Then, on

a per-call basis, the terminating carrier will be required to determine if a corresponding Category 11 billing record was received from the originating tandem provider. Only after establishing discrepancies between these facts may a terminating carrier characterize traffic as “unidentified” and report the information to the upstream tandem carrier for investigation. We reject SBC’s contention that “unidentified” traffic means that upstream carriers are unknown. As we have stated throughout our responses, parties are expected to use the CPN parameter to aid in determining the responsible party.

Lastly, we reject SBC’s contention that we should expend more time to conduct even more investigations to determine the prevalence of “unidentified traffic.” We find that our rules provide the affected parties with the necessary tools to determine for themselves the amount of unidentified traffic that may be occurring on the LEC-to-LEC network. The ability to have separate trunk groups and the expectation that an unmodified CPN will be present on each call should provide terminating carriers the ability to identify “unidentified traffic,” as we define the term. Past instances of unaccounted-for traffic have already been thoroughly documented and there is no need to conduct further investigations. We will implement this rule without change.



**Commissioners**

**JEFF DAVIS**  
Chairman

**CONNIE MURRAY**

**STEVE GAW**

**ROBERT M. CLAYTON III**

**LINWARD "LIN" APPLING**

***Missouri Public Service Commission***

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

**WESS A. HENDERSON**  
Director, Utility Operations

**ROBERT SCHALLENBERG**  
Director, Utility Services

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

**DANA K. JOYCE**  
General Counsel

May 6, 2005

Honorable Robin Carnahan  
Secretary of State  
Administrative Rules Division  
600 West Main Street  
Jefferson City, Missouri 65101

Dear Secretary Carnahan:

Re: **4 CSR 240-29.100 Objections to Payment Invoices**

**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 Department of Economic Development, Public Service Commission on this 6<sup>th</sup> day of May, 2005.

Statutory Authority: Sections 386.040 and 386.250 RSMo 2000

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

Keith R. Krueger, Deputy General Counsel  
Missouri Public Service Commission  
200 Madison Street  
P.O. Box 360  
Jefferson City, Missouri 65102  
(573) 751-4140  
[keith.krueger@psc.mo.gov](mailto:keith.krueger@psc.mo.gov)

**BY THE COMMISSION**

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

# Robin Carnahan

Secretary of State  
Administrative Rules Division  
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ADMINISTRATIVE RULES

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

A. Rule Number 4 CSR 240-29.110

Diskette File Name Final Rule 29.110

Name of person to call with questions about this rule:

Content Keith R. Krueger Phone 573/751-7510 FAX 573/751-9285

E-mail address keith.krueger@psc.mo.gov

Data entry Carla Schnieders Phone 573-522-9038 FAX 573-526-6969

E-mail address carla.schnieders@psc.mo.gov

Interagency mailing address GOB, 200 Madison Street, 8<sup>th</sup> Floor, J.C. MO 65102

Statutory Authority Sections 386.040 and 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. CHECKLIST guide for rule packets:

☒ This transmittal completed

☐ Forms, number of pages \_\_\_\_\_

☒ Cover letter

☐ Authority section with history of the rule

☐ Affidavit

☐ Public cost statement

☐ Small business impact statement

☐ Private cost statement

☐ Fiscal notes

☐ Hearing date \_\_\_\_\_

C. RULEMAKING ACTION TO BE TAKEN

☐ Emergency rulemaking (choose one) ☐ rule, ☐ amendment, ☐ rescission, or ☐ termination

**MUST** include effective date \_\_\_\_\_

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☐ Order of Rulemaking (choose one) ☒ rule, ☐ amendment, ☐ rescission, or ☐ termination

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☐ Rule action notice

☐ In addition

☐ Rule under consideration

D. SPECIFIC INSTRUCTIONS: Any additional information you may wish to provide to our staff \_\_\_\_\_

Small Business Regulatory  
Fairness Board (DED) Stamp

JCAR Stamp

**RULE TRANSMITTAL (PAGE 2)**

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E. ORDER OF RULEMAKING: Rule Number 4 CSR 240-29.110

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.

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Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240 – Public Service Commission

Chapter 29 – Enhanced Record Exchange Rules

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ADMINISTRATIVE RULES

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under Sections 386.040 and 386.250 RSMo 2000, the Commission withdraws a rule as follows:

**4 CSR 240-29.110 Duty to File Tariffs for Compensable Telecommunications Traffic in the Absence of Commission – Approved Interconnection Agreements is withdrawn.**

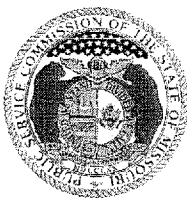
A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 3, 2005 (30 MoReg 49). The proposed rule is withdrawn.

COMMENT: Sprint reports “no issues” with this rule.

COMMENT: The Telecommunications Department Staff (Staff) recommends this rule be implemented without change. Staff points to the Missouri Court of Appeals as upholding the concept of the filed tariff doctrine.

COMMENT: T-Mobile, Nextel, and Cingular (Joint Wireless Carriers) characterize tariffs as “futile.”

RESPONSE: Due to actions of the Federal Communications Commission in its February 24, 2005 Report and Order in CC Docket No. 01-92 , we will rescind this rule in its entirety.



Commissioners

JEFF DAVIS  
Chairman

CONNIE MURRAY

STEVE GAW

ROBERT M. CLAYTON III

LINWARD "LIN" APPLING

**Missouri Public Service Commission**

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Director, Utility Operations

ROBERT SCHALLENBERG  
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DALE HARDY ROBERTS  
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE  
General Counsel

May 6, 2005

Honorable Robin Carnahan  
Secretary of State  
Administrative Rules Division  
600 West Main Street  
Jefferson City, Missouri 65101

Dear Secretary Carnahan:

Re: **4 CSR 240-29.110 Duty to File Tariffs for Compensable Telecommunications Traffic  
in the Absence of Commission – Approved Interconnection Agreements**

**CERTIFICATION OF ADMINISTRATIVE RULE**

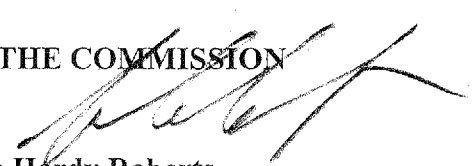
I do hereby certify that the attached is an accurate and complete copy of the order of rulemaking lawfully submitted by the Department of Economic Development, Public Service Commission on this 6<sup>th</sup> day of May, 2005.

Statutory Authority: Sections 386.040 and 386.250 RSMo 2000

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

Keith R. Krueger, Deputy General Counsel  
Missouri Public Service Commission  
200 Madison Street  
P.O. Box 360  
Jefferson City, Missouri 65102  
(573) 751-4140  
[keith.krueger@psc.mo.gov](mailto:keith.krueger@psc.mo.gov)

BY THE COMMISSION

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

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ADMINISTRATIVE RULES

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

- A. Rule Number 4 CSR 240-29.120  
Diskette File Name Final Rule 29.120  
Name of person to call with questions about this rule:  
Content Keith R. Krueger Phone 573/751-7510 FAX 573/751-9285  
E-mail address keith.krueger@psc.mo.gov  
Data entry Carla Schnieders Phone 573-522-9038 FAX 573-526-6969  
E-mail address carla.schnieders@psc.mo.gov  
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Statutory Authority Sections 386.040 and 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. CHECKLIST guide for rule packets:

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| <input type="checkbox"/> Fiscal notes                          | <input type="checkbox"/> Hearing date _____                         |

C. RULEMAKING ACTION TO BE TAKEN

- ☐ Emergency rulemaking (choose one) ☐ rule, ☐ amendment, ☐ rescission, or ☐ termination

**MUST** include effective date \_\_\_\_\_

- ☐ Proposed Rulemaking (choose one) ☐ rule, ☐ amendment, or ☐ rescission  
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Small Business Regulatory  
Fairness Board (DED) Stamp

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**RULE TRANSMITTAL (PAGE 2)**

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E. ORDER OF RULEMAKING: Rule Number 4 CSR 240-29.120

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. Give an explanation of each section, subsection, etc. which has been changed since the proposed rulemaking was published in the Register.

The first sentence of Paragraph (7) has been revised by deleting the word "distinguish" and all words that followed it, and inserting in their place "identify the traffic originated by a particular originating carrier, where that particular originating carrier and one or more other originating carriers are using the same switch to originate traffic."

The second sentence of Paragraph (7) has been revised by deleting "UNE-P traffic" and inserting in its place "traffic of a particular originating carrier of such a 'shared' switch platform."

The third sentence of Paragraph (7) has been revised by deleting the word "relevant" and all words that followed it, and inserting in their place "originating carrier whose traffic is sought to be blocked as well as the carrier or other entity whose switch is being used to originate the traffic."

The sixth sentence of Paragraph (7) has been revised by deleting the words "UNE-P provider's service by the" and inserting in their place the words "originating carrier using switching services provided by the."

The sixth sentence of Paragraph (7) is further revised by deleting the words "whose facilities are" and inserting in their place the words "or other entity whose switch is."

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

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Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240 – Public Service Commission  
Chapter 29 – Enhanced Record Exchange Rules

**ORDER OF RULEMAKING**

By the authority vested in the Public Service Commission under Sections 386.040 and 386.250 RSMo 2000, the Commission adopts a rule as follows:

**4 CSR 240-29.120 Blocking Traffic Originating Carriers and/or Traffic Aggregators by Transiting Carriers is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 3, 2005 (30 MoReg 49). Those sections of the proposed rule with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

COMMENT: T-Mobile, Nextel, and Cingular (Joint Wireless Carriers) state that it is unreasonable to block wireless calls. According to Joint Wireless Carriers, blocking rules prevent wireless carriers from providing their services. Joint Wireless Carriers recommend that blocking rules not apply to wireless traffic.

COMMENT: Sprint comments that the blocking process outlined in the rules inappropriately moves the legal burden of proof. Sprint cites those aspects of the rules that require an originating carrier to complain to the Commission if it desires to refute the reasons it is given for having its traffic blocked.

COMMENT: SBC maintains that current tariffs already contain provisions sufficient for blocking traffic for nonpayment of tariff charges. SBC cites to small local exchange carrier wireless termination and access tariffs as examples. Without recommending specific language, SBC also requests the Commission clarify that blocking authorized by these sections be limited to situations where the carrier to be blocked is directly interconnected to the originating tandem carrier.

COMMENT: The Small Telephone Company Group (STCG) supports this rule as an appropriate and necessary enforcement mechanism when carriers fail to pay for their traffic, provide proper records, or deliver originating caller identification to downstream carriers. However, the STCG states that it is inappropriate to make terminating carriers bear the cost burden.

COMMENT: The Missouri Independent Telephone Company Group (MITG) supports this rule and characterizes it as a comprehensive process for halting the transmission of traffic from carriers not in compliance with the rules.

COMMENT: The Staff recommends this rule be implemented without change. The Staff notes that traffic would not necessarily be blocked; rather, the traffic would likely be

rerouted onto the facilities of an interexchange carrier. Staff states the blocking rules establish an orderly process for blocking traffic of carriers who do not pay their bills or comply with rules governing traffic on the LEC-to-LEC network. Staff states its belief that there are adequate safeguards in the blocking rules, and any decision to block traffic is ultimately left up to the Commission. The Staff suggests the blocking provisions provide balance between the needs of consumers and those of telephone companies. Staff opines that the rules acknowledge the need for calls to traverse the network uninterrupted, while recognizing that all originating carriers have to duty to pay for sending transiting calls to another carrier.

RESPONSE: We find our blocking provisions necessary to prevent abuses of payment obligations. We again note that our rules would not actually block traffic to end users. Rather, our rules would block the ability of end users to receive calls over the LEC-to-LEC network. It is expected that affected carriers would use the facilities of interexchange carriers to terminate calls in the event these rules were implemented against a carrier.

4 CSR 240-29.120(7)

COMMENT: In the event the Commission implements blocking rules, SBC recommends modification of this section to recognize that competitive local exchange carriers provide wholesale switching. Rather than identify UNE-P, SBC suggests more generic wording.

RESPONSE: We agree with SBC that this section should be modified to include the potential for competitive carriers to provide unbundled switching ports.

#### **4 CSR 240-29.120 Blocking Traffic of Originating Carriers and/or Traffic Aggregators by Transiting Carriers**

(7) It is recognized that at the time of call placement, transiting carriers cannot identify the traffic originated by a particular originating carrier, where that particular originating carrier and one or more other originating carriers are using the same switch to originate traffic. Transiting carriers who desire to block traffic of a particular originating carrier of such a "shared" switch platform shall file a formal complaint with the commission seeking such blockage. All such formal complaints shall name the originating carrier whose traffic is sought to be blocked as well as the carrier or other entity whose switch is being used to originate the traffic. All such formal complaints shall be filed pursuant to the commission's procedures for filing formal complaints, and shall set forth complete details including, but not limited to, any violation of commission rules or Missouri statutes alleged to have occurred. Such formal complaint shall also state what action and relief the complainant seeks from the commission. Such requested relief may include complete blockage of the originating carrier using switching services provided by the incumbent local exchange carrier or other entity whose switch is being used. All such formal complaints shall request expedited consideration.



Commissioners

JEFF DAVIS  
Chairman

CONNIE MURRAY

STEVE GAW

ROBERT M. CLAYTON III

LINWARD "LIN" APPLING

## *Missouri Public Service Commission*

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Director, Utility Operations

ROBERT SCHALLENBERG  
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DALE HARDY ROBERTS  
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE  
General Counsel

May 6, 2005

Honorable Robin Carnahan  
Secretary of State  
Administrative Rules Division  
600 West Main Street  
Jefferson City, Missouri 65101

Dear Secretary Carnahan:

Re: **4 CSR 240-29.120 Blocking Traffic of Originating Carriers and/or Traffic  
Aggregators by Transiting Carriers**

### **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 Department of Economic Development, Public Service Commission on this 6<sup>th</sup> day of May, 2005.

Statutory Authority: Sections 386.040 and 386.250 RSMo 2000

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E-mail address carla.schnieders@psc.mo.gov  
Interagency mailing address GOB, 200 Madison Street, 8<sup>th</sup> Floor, J.C. MO 65102  
Statutory Authority Sections 386.040 and 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. CHECKLIST guide for rule packets:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> This transmittal completed | <input type="checkbox"/> Forms, number of pages _____               |
| <input checked="" type="checkbox"/> Cover letter               | <input type="checkbox"/> Authority section with history of the rule |
| <input type="checkbox"/> Affidavit                             | <input type="checkbox"/> Public cost statement                      |
| <input type="checkbox"/> Small business impact statement       | <input type="checkbox"/> Private cost statement                     |
| <input type="checkbox"/> Fiscal notes                          | <input type="checkbox"/> Hearing date _____                         |

C. RULEMAKING ACTION TO BE TAKEN

- ☐ Emergency rulemaking (choose one) ☐ rule, ☐ amendment, ☐ rescission, or ☐ termination

**MUST** include effective date \_\_\_\_\_

- ☐ Proposed Rulemaking (choose one) ☐ rule, ☐ amendment, or ☐ rescission  
☒ Order of Rulemaking (choose one) ☒ rule, ☐ amendment, ☐ rescission, or ☐ termination

**MUST** complete page 2 of this transmittal

- ☐ Withdrawal (choose one) ☐ rule, ☐ amendment, ☐ rescission or ☐ emergency  
☐ Rule action notice ☐ In addition ☐ Rule under consideration

- D. SPECIFIC INSTRUCTIONS: Any additional information you may wish to provide to our staff \_\_\_\_\_

Small Business Regulatory  
Fairness Board (DED) Stamp

JCAR Stamp



**RULE TRANSMITTAL (PAGE 2)**

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E. ORDER OF RULEMAKING: Rule Number 4 CSR 240-29.130

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. Give an explanation of each section, subsection, etc. which has been changed since the proposed rulemaking was published in the Register.

The first sentence of Paragraph (11) has been revised by deleting the words "UNE-P traffic," and inserting in their place "traffic of originating carriers using switching services provided by an incumbent local exchange carrier or other entity."

The second sentence of Paragraph (11) has been revised by deleting "distinguish" and all words that followed it, and inserting in their place "identify the traffic originated by a particular originating carrier where that particular originating carrier and one or more other originating carriers are using the same switch to originate traffic."

The third sentence of Paragraph (11) has been revised by deleting the words "transiting carriers."

The third sentence of Paragraph (11) has been further revised by deleting the words "UNE-P traffic," and inserting in their place the words "the traffic of a particular originating carrier of such 'shared' switch platforms."

The fourth sentence of Paragraph (11) has been revised by deleting the word "relevant" and all the words that followed it, and inserting in their place "originating carrier whose traffic is sought to be blocked, as well as the carrier or other entity whose switch is being used to originate the traffic."

The seventh sentence of Paragraph (11) has been revised by deleting the words "UNE-P provider's service" and inserting in their place the words "originating carrier using switching service provided."

The seventh sentence of Paragraph (11) has been further revised by deleting the words "whose facilities are" and inserting in their place the words "or other entity whose switch is."

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Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240 – Public Service Commission

Chapter 29 – Enhanced Record Exchange Rules

MAY 06 2005

ORDER OF RULEMAKING

SECRETARY OF STATE  
ADMINISTRATIVE RULES

By the authority vested in the Public Service Commission under Sections 386.040 and 386.250 RSMo 2000, the Commission adopts a rule as follows:

**4 CSR 240-29.130 Requests of Terminating Carriers for Originating Tandem Carriers to Block Traffic of Originating Carriers and/or Traffic Aggregators is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 3, 2005 (30 MoReg 49). Those sections of the proposed rule with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

COMMENT: The Telecommunications Department Staff (Staff) supports adoption of this rule without change.

COMMENT: Sprint opines that this rule inappropriately shifts the burden of proof.

COMMENT: The Small Telephone Company Group (STCG) states this rule is necessary and appropriate.

COMMENT: The Missouri Independent Telephone Company Group (MITG) states this rule is comprehensive and necessary.

RESPONSE: We disagree that placing blocking safeguards in our rule shifts the burden of proof. Our safeguards are designed to prevent a carrier's traffic from being blocked without the final authority of the Commission. We agree that terminating carriers may initiate blocking procedures; however, affected carriers have an automatic right to appeal to the Commission. We find such safeguards to be more extensive than the current practices outlined in various access tariffs. We decline to make changes to this rule other than those to Section 11 as suggested by SBC.

4 CSR 240-29.130 (10)

COMMENT: The STCG states that it is inappropriate to make terminating carriers bear the cost for blocking unidentified and uncompensated traffic. According to the STCG, it is more appropriate for the upstream carriers to bear the cost because the upstream carriers are the ones responsible for placing the traffic on the network. The STCG proposes wording that would permit terminating carriers to recover blocking costs from upstream carriers.

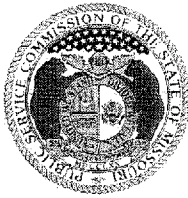
RESPONSE: As we have explained in previous orders, we believe that the carrier requesting blocking to occur should be the carrier responsible for paying for the blocking.  
4 SR 240-29.130(11)

COMMENT: SBC suggests this section should conform to its suggestions in Section 7 of 4 CSR 240-29.120.

RESPONSE: We agree with SBC that Section 11 of this rule should reference unbundled switch ports of competitors as well as SBC. We will modify Section 11 to comport with SBC's suggestion.

#### **4 CSR 240-29.130 Requests of Terminating Carriers for Originating Tandem Carriers To Block Traffic of Originating Carriers and/or Traffic Aggregators**

(11) Nothing in sections (1) through (10) above shall require transiting carriers to block traffic of originating carriers using switching services provided by an incumbent local exchange carrier or other entity. It is recognized that, at the time of call placement, transiting carriers cannot identify the traffic originated by a particular originating carrier where that particular originating carrier and one or more other originating carriers are using the same switch to originate traffic. Terminating carriers who desire to block the traffic of a particular originating carrier of such a "shared" switch platform shall file a formal complaint with the commission seeking such blockage. All such formal complaints shall name the originating carrier whose traffic is sought to be blocked, as well as the carrier or other entity whose switch is being used to originate the traffic. All such formal complaints shall be filed pursuant to the commission's procedures for filing formal complaints, and shall set forth complete details including, but not limited to, any violation of commission rules or Missouri statutes alleged to have occurred. Such formal complaint shall also state what action and relief the complainant seeks from the commission. Such requested relief may include complete blockage of the originating carrier using switching services provided by the incumbent local exchange carrier or other entity whose switch is being used. All such formal complaints shall request expedited consideration.



**Commissioners**

**JEFF DAVIS**  
Chairman

**CONNIE MURRAY**

**STEVE GAW**

**ROBERT M. CLAYTON III**

**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>

**WESS A. HENDERSON**  
Director, Utility Operations

**ROBERT SCHALLENBERG**  
Director, Utility Services

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

**DANA K. JOYCE**  
General Counsel

May 6, 2005

Honorable Robin Carnahan  
Secretary of State  
Administrative Rules Division  
600 West Main Street  
Jefferson City, Missouri 65101

Dear Secretary Carnahan:

Re: **4 CSR 240-29.130 Requests of Terminating Carriers for Originating Tandem Carriers to Block Traffic of Originating Carriers and/or Traffic Aggregators**

**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 Department of Economic Development, Public Service Commission on this 6<sup>th</sup> day of May, 2005.

Statutory Authority: Sections 386.040 and 386.250 RSMo 2000

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

Keith R. Krueger, Deputy General Counsel  
Missouri Public Service Commission  
200 Madison Street  
P.O. Box 360  
Jefferson City, Missouri 65102  
(573) 751-4140  
[keith.krueger@psc.mo.gov](mailto:keith.krueger@psc.mo.gov)

**BY THE COMMISSION**

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

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

# Robin Carnahan

Secretary of State  
Administrative Rules Division  
RULE TRANSMITTAL

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MAY 06 2005

SECRETARY OF STATE  
ADMINISTRATIVE RULES

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

A. Rule Number 4 CSR 240-29.140

Diskette File Name Final Rule 29.140

Name of person to call with questions about this rule:

Content Keith R. Krueger Phone 573/751-7510 FAX 573/751-9285

E-mail address keith.krueger@psc.mo.gov

Data entry Carla Schnieders Phone 573-522-9038 FAX 573-526-6969

E-mail address carla.schnieders@psc.mo.gov

Interagency mailing address GOB, 200 Madison Street, 8<sup>th</sup> Floor, J.C. MO 65102

Statutory Authority Sections 386.040 and 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. CHECKLIST guide for rule packets:

☒ This transmittal completed

☐ Forms, number of pages \_\_\_\_\_

☒ Cover letter

☐ Authority section with history of the rule

☐ Affidavit

☐ Public cost statement

☐ Small business impact statement

☐ Private cost statement

☐ Fiscal notes

☐ Hearing date \_\_\_\_\_

C. RULEMAKING ACTION TO BE TAKEN

☐ Emergency rulemaking (choose one) ☐ rule, ☐ amendment, ☐ rescission, or ☐ termination

**MUST** include effective date \_\_\_\_\_

☐ Proposed Rulemaking (choose one) ☐ rule, ☐ amendment, or ☐ rescission

☒ Order of Rulemaking (choose one) ☒ rule, ☐ amendment, ☐ rescission, or ☐ termination

**MUST** complete page 2 of this transmittal

☐ Withdrawal (choose one) ☐ rule, ☐ amendment, ☐ rescission or ☐ emergency

☐ Rule action notice ☐ In addition ☐ Rule under consideration

D. SPECIFIC INSTRUCTIONS: Any additional information you may wish to provide to our staff \_\_\_\_\_

Small Business Regulatory  
Fairness Board (DED) Stamp

JCAR Stamp

**RULE TRANSMITTAL (PAGE 2)**

---

E. ORDER OF RULEMAKING: Rule Number 4 CSR 240-29.140

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. Give an explanation of each section, subsection, etc. which has been changed since the proposed rulemaking was published in the Register.

The second sentence of Paragraph (4) has been revised by deleting the words "UNE-P services" and inserting in their place the words "shared switching platforms."

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

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

Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240 – Public Service Commission  
Chapter 29 – Enhanced Record Exchange Rules

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MAY 06 2005

SECRETARY OF STATE  
ADMINISTRATIVE RULES

**ORDER OF RULEMAKING**

By the authority vested in the Public Service Commission under Sections 386.040 and 386.250 RSMo 2000, the Commission adopts a rule as follows:

**4 CSR 240-29.140 Blocking Traffic of Transiting Carriers by Terminating Carriers is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 3, 2005 (30 MoReg 49). Those sections of the proposed rule with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

COMMENT: Sprint opines that this rule inappropriately shifts the burden of proof.

COMMENT: The Telecommunications Department Staff (Staff) supports adoption of this rule without change.

COMMENT: The Small Telephone Company Group (STCG) states this rule is necessary and appropriate, although it is inappropriate for terminating carriers to bear the cost burden.

COMMENT: The Missouri Independent Telephone Company Group (MITG) states this rule is comprehensive and necessary.

RESPONSE: We decline to place blocking cost recovery on entities other than those who request blocking to occur. We will implement this rule without change.

**4 CSR 240-29.140 (2)**

COMMENT: SBC recommends this section be modified by addition of the following sentence: "It is recognized that transit carriers can only pass originating caller identification to other transit carriers and terminating carriers to the extent it receives such information."

RESPONSE: We find that Calling Party Number (CPN) is an essential ingredient to determine the entity properly responsible for payment of call termination. The business relationship we have established relieves SBC, Sprint and CenturyTel of all primary and secondary financial responsibility for the traffic they choose to transit. Such business relationship leaves terminating carriers at complete financial risk for 100 percent of the traffic delivered by transiting carriers. Given the business relationship and financial liability we have placed on terminating carriers, we find our CPN delivery requirement

provides but a modicum of comfort to terminating carriers who bear 100 percent of the risk. Especially in light of the substantial financial responsibility our business relationship places on terminating carriers, we conclude this requirement represents a *de minimis* intrusion on originating and transiting carriers. Transiting carriers are expected to only transit calls bearing CPN and we order implementation of this section without change.

4 CSR 240-29.140(4)

COMMENT: We received no comments on this section.

RESPONSE AND EXPLANATION OF CHANGE: Because we have eliminated use of the term “UNE-P” from other rules in this chapter, we find it necessary to eliminate it from this rule.

4 CSR 240-29.140(7)

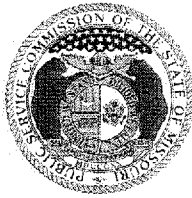
COMMENT: As with 4 CSR 240-29.130(10), the STCG recommends changing language in this section which would permit the terminating carrier to recover blocking costs from upstream carriers.

RESPONSE: We again find that those carriers requesting blocking should be responsible for the costs of blocking. We decline to change this section.

#### **4 CSR 240-29.140 Blocking Traffic of Transiting Carriers by Terminating Carriers**

(4) Upon receipt of notice that its transiting traffic is subject to blocking by terminating carriers, transiting carriers shall notify all telecommunications companies for whom the transiting carrier is contractually obligated to transit traffic. Such notices shall include, but shall not be limited to, resellers of local exchange service and providers of shared switching platforms. Such notices shall also include, but shall not be limited to, all originating carriers, traffic aggregators, and other transiting carriers with whom the transiting carrier has established direct interconnection facilities. Such notices shall be sent via certified mail within seven days from the receipt of notice from the terminating carrier.





Commissioners

JEFF DAVIS  
Chairman

CONNIE MURRAY

STEVE GAW

ROBERT M. CLAYTON III

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>

WESS A. HENDERSON  
Director, Utility Operations

ROBERT SCHALLENBERG  
Director, Utility Services

DALE HARDY ROBERTS  
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE  
General Counsel

May 6, 2005

Honorable Robin Carnahan  
Secretary of State  
Administrative Rules Division  
600 West Main Street  
Jefferson City, Missouri 65101

Dear Secretary Carnahan:

Re: **4 CSR 240-29.140 Blocking Traffic of Transiting Carriers by Terminating Carriers**

**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 Department of Economic Development, Public Service Commission on this 6<sup>th</sup> day of May, 2005.

Statutory Authority: Sections 386.040 and 386.250 RSMo 2000

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

Keith R. Krueger, Deputy General Counsel  
Missouri Public Service Commission  
200 Madison Street  
P.O. Box 360  
Jefferson City, Missouri 65102  
(573) 751-4140  
[keith.krueger@psc.mo.gov](mailto:keith.krueger@psc.mo.gov)

BY THE COMMISSION

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

# Robin Carnahan

Secretary of State  
Administrative Rules Division  
RULE TRANSMITTAL

Administrative Rules Stamp

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SECRETARY OF STATE  
ADMINISTRATIVE RULES

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

A. Rule Number 4 CSR 240-29.150

Diskette File Name Final Rule 29.150

Name of person to call with questions about this rule:

Content Keith R. Krueger Phone 573/751-7510 FAX 573/751-9285

E-mail address keith.krueger@psc.mo.gov

Data entry Carla Schnieders Phone 573-522-9038 FAX 573-526-6969

E-mail address carla.schnieders@psc.mo.gov

Interagency mailing address GOB. 200 Madison Street, 8<sup>th</sup> Floor, J.C. MO 65102

Statutory Authority Sections 386.040 and 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. CHECKLIST guide for rule packets:

☒ This transmittal completed

☐ Forms, number of pages \_\_\_\_\_

☒ Cover letter

☐ Authority section with history of the rule

☐ Affidavit

☐ Public cost statement

☐ Small business impact statement

☐ Private cost statement

☐ Fiscal notes

☐ Hearing date \_\_\_\_\_

C. RULEMAKING ACTION TO BE TAKEN

☐ Emergency rulemaking (choose one) ☐ rule, ☐ amendment, ☐ rescission, or ☐ termination

**MUST** include effective date \_\_\_\_\_

☐ Proposed Rulemaking (choose one) ☐ rule, ☐ amendment, or ☐ rescission

☒ Order of Rulemaking (choose one) ☒ rule, ☐ amendment, ☐ rescission, or ☐ termination

**MUST** complete page 2 of this transmittal

☐ Withdrawal (choose one) ☐ rule, ☐ amendment, ☐ rescission or ☐ emergency

☐ Rule action notice ☐ In addition ☐ Rule under consideration

D. SPECIFIC INSTRUCTIONS: Any additional information you may wish to provide to our staff \_\_\_\_\_

Small Business Regulatory  
Fairness Board (DED) Stamp

JCAR Stamp

**RULE TRANSMITTAL (PAGE 2)**

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E. ORDER OF RULEMAKING: Rule Number 4 CSR 240-29.150

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. Give an explanation of each section, subsection, etc. which has been changed since the proposed rulemaking was published in the Register.

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

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

Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240 – Public Service Commission  
Chapter 29 – Enhanced Record Exchange Rules

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MAY 06 2005

SECRETARY OF STATE  
ADMINISTRATIVE RULES

**ORDER OF RULEMAKING**

By the authority vested in the Public Service Commission under Sections 386.040 and 386.250 RSMo 2000, the Commission adopts a rule as follows:

**4 CSR 240-29.150 Confidentiality is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 3, 2005 (30 MoReg 49). No change is made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

COMMENT: SBC states that this rule is unnecessary. SBC maintains that most aspects of this rule have been codified in Chapter 33 of the Commission's rules.

COMMENT: CenturyTel states that this rule should be eliminated as the subject matter is addressed in Chapter 33 of the Commission's rules. CenturyTel opines that, if changes are needed, such changes should be made in Chapter 33.

COMMENT: Sprint recommends eliminating this rule because similar provisions are in Chapter 33 of the Commission's rules.

COMMENT: The Telecommunications Department Staff (Staff) supports adoption of this rule without change.

RESPONSE: We find that this rule contains provisions not contained in Chapter 33 of our rules. We conclude that the specific confidentiality aspects of this rule are unique to intercompany billing purposes, and we order implementation of this rule without change.



Commissioners

JEFF DAVIS  
Chairman

CONNIE MURRAY

STEVE GAW

ROBERT M. CLAYTON III

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>

WESS A. HENDERSON  
Director, Utility Operations

ROBERT SCHALLENBERG  
Director, Utility Services

DALE HARDY ROBERTS  
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE  
General Counsel

May 6, 2005

Honorable Robin Carnahan  
Secretary of State  
Administrative Rules Division  
600 West Main Street  
Jefferson City, Missouri 65101

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MAY 06 2005

SECRETARY OF STATE  
ADMINISTRATIVE RULES

Dear Secretary Carnahan:

Re: **4 CSR 240-29.150 Confidentiality**

**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 Department of Economic Development, Public Service Commission on this 6<sup>th</sup> day of May, 2005.

Statutory Authority: Sections 386.040 and 386.250 RSMo 2000

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

Keith R. Krueger, Deputy General Counsel  
Missouri Public Service Commission  
200 Madison Street  
P.O. Box 360  
Jefferson City, Missouri 65102  
(573) 751-4140  
[keith.krueger@psc.mo.gov](mailto:keith.krueger@psc.mo.gov)

BY THE COMMISSION

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

# Robin Carnahan

Secretary of State  
Administrative Rules Division  
RULE TRANSMITTAL

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ADMINISTRATIVE RULES

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

- A. Rule Number 4 CSR 240-29.160  
Diskette File Name Final Rule 29.160  
Name of person to call with questions about this rule:  
Content Keith R. Krueger Phone 573/751-7510 FAX 573/751-9285  
E-mail address keith.krueger@psc.mo.gov  
Data entry Carla Schnieders Phone 573-522-9038 FAX 573-526-6969  
E-mail address carla.schnieders@psc.mo.gov  
Interagency mailing address GOB, 200 Madison Street, 8<sup>th</sup> Floor, J.C. MO 65102  
Statutory Authority Sections 386.040 and 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. CHECKLIST guide for rule packets:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> This transmittal completed | <input type="checkbox"/> Forms, number of pages _____               |
| <input checked="" type="checkbox"/> Cover letter               | <input type="checkbox"/> Authority section with history of the rule |
| <input type="checkbox"/> Affidavit                             | <input type="checkbox"/> Public cost statement                      |
| <input type="checkbox"/> Small business impact statement       | <input type="checkbox"/> Private cost statement                     |
| <input type="checkbox"/> Fiscal notes                          | <input type="checkbox"/> Hearing date _____                         |

C. RULEMAKING ACTION TO BE TAKEN

- ☐ Emergency rulemaking (choose one) ☐ rule, ☐ amendment, ☐ rescission, or ☐ termination

**MUST** include effective date \_\_\_\_\_

- ☐ Proposed Rulemaking (choose one) ☐ rule, ☐ amendment, or ☐ rescission  
☒ Order of Rulemaking (choose one) ☒ rule, ☐ amendment, ☐ rescission, or ☐ termination

**MUST** complete page 2 of this transmittal

- ☐ Withdrawal (choose one) ☐ rule, ☐ amendment, ☐ rescission or ☐ emergency)  
☐ Rule action notice ☐ In addition ☐ Rule under consideration

- D. SPECIFIC INSTRUCTIONS: Any additional information you may wish to provide to our staff \_\_\_\_\_

Small Business Regulatory  
Fairness Board (DED) Stamp

JCAR Stamp

**RULE TRANSMITTAL (PAGE 2)**

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E. ORDER OF RULEMAKING: Rule Number 4 CSR 240-29.160

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. Give an explanation of each section, subsection, etc. which has been changed since the proposed rulemaking was published in the Register.

Four additional sentences have been added at the end of Paragraph (1).

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

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

Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240 – Public Service Commission  
Chapter 29 – Enhanced Record Exchange Rules

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MAY 06 2005

SECRETARY OF STATE  
ADMINISTRATIVE RULES

**ORDER OF RULEMAKING**

By the authority vested in the Public Service Commission under Sections 386.040 and 386.250 RSMo 2000, the Commission adopts a rule as follows:

**4 CSR 240-29.160 Audit Provisions is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 3, 2005 (30 MoReg 49). Those sections of the proposed rule with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

COMMENT: Sprint reports no issues with this rule.

COMMENT: The Telecommunications Department Staff (Staff) supports adoption of this rule without change.

RESPONSE: No changes will be made as a result of general comments to this rule. We will, however, modify our rule pursuant to SBC's comments on Section (1) below.

**4 CSR 240-29.160(1)**

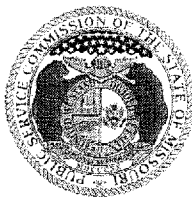
COMMENT: SBC recommends adding language which it says would bring this rule in line with language commonly found in Commission-approved interconnection agreements.

RESPONSE AND EXPLANATION OF CHANGE: We agree with SBC that the audit provisions of our local interconnection rule should be more in line with industry standards as reflected in Commission-approved interconnection agreements. We will adopt SBC's suggestions.

**4 CSR 240-29.160 Audit Provisions**

(1) A telecommunications company who receives records from another telecommunications company for billing may perform a comprehensive review of the record process utilized for providing billing records that are issued for payment of compensable traffic. These reviews may only be conducted once a year. A telecommunications company's right to access information for review purposes is limited to data not in excess of 18 months in age. Once specific data has been reviewed, it is not subject to further reviews. All information involved with the review shall be treated as strictly confidential and not be disclosed to a third party without the written consent of the party being reviewed.





Commissioners

JEFF DAVIS  
Chairman

CONNIE MURRAY

STEVE GAW

ROBERT M. CLAYTON III

LINWARD "LIN" APPLING

## *Missouri Public Service Commission*

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WESS A. HENDERSON  
Director, Utility Operations

ROBERT SCHALLENBERG  
Director, Utility Services

DALE HARDY ROBERTS  
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE  
General Counsel

May 6, 2005

Honorable Robin Carnahan  
Secretary of State  
Administrative Rules Division  
600 West Main Street  
Jefferson City, Missouri 65101

Dear Secretary Carnahan:

Re: **4 CSR 240-29.160 Audit Provisions**

### **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 Department of Economic Development, Public Service Commission on this 6<sup>th</sup> day of May, 2005.

Statutory Authority: Sections 386.040 and 386.250 RSMo 2000

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

Keith R. Krueger, Deputy General Counsel  
Missouri Public Service Commission  
200 Madison Street  
P.O. Box 360  
Jefferson City, Missouri 65102  
(573) 751-4140  
[keith.krueger@psc.mo.gov](mailto:keith.krueger@psc.mo.gov)

BY THE COMMISSION

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

## MEMORANDUM

**TO:** Dale Hardy Roberts, Secretary

**DATE:** May 5, 2005

**RE:** Authorization to File Final Orders of Rulemaking with the Secretary of State  
Enhanced Records Exchange Rules  
4 CSR 240-29.010 through 4 CSR 240-29.160

**CASE NO.:** TX-2003-0301

The undersigned Commissioners hereby authorize the Secretary of the Missouri Public Service Commission to file with the Office of the Secretary of State 16 Orders of Rulemaking, to-wit:

4 CSR 240-29.010 – The LEC-to-LEC Network

4 CSR 240-29.020 – Definitions

4 CSR 240-29.030 – General Provisions

4 CSR 240-29.040 – Identification of Originating Carrier for Traffic Transmitted over the LEC-to-LEC Network

4 CSR 240-29.050 – Option to Establish Separate Trunk Groups for LEC-to-LEC Telecommunications Traffic

4 CSR 240-29.060 – Special Privacy Provisions for End Users Who Block Their Originating Telephone Number

4 CSR 240-29.070 – Special Provisions for Wireless-Originated Traffic Transmitted over the LEC-to-LEC Network

4 CSR 240-29.080 – Use of Terminating Record Creation for LEC-to-LEC Telecommunications Traffic

4 CSR 240-29.090 – Time Frame for the Exchange of Records, Invoices, and Payments for LEC-to-LEC Network Traffic

4 CSR 240-29.100 – Objections to Payment Invoices

4 CSR 240-29.110 – Duty to File Tariffs for Compensable Telecommunications Traffic in the Absence of Commission-Approved Interconnection Agreements

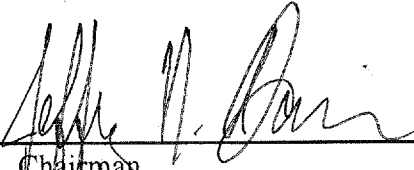
4 CSR 240-29.120 – Blocking Traffic of Originating Carriers and/or Traffic Aggregators by Transiting Carriers

4 CSR 240-29.130 – Requests of Terminating Carriers for Originating Tandem Carriers to Block Traffic of Originating Carriers and/or Traffic Aggregators

4 CSR 240-29.140 – Blocking Traffic of Transiting Carriers by Terminating Carriers

4 CSR 240-29.150 – Confidentiality

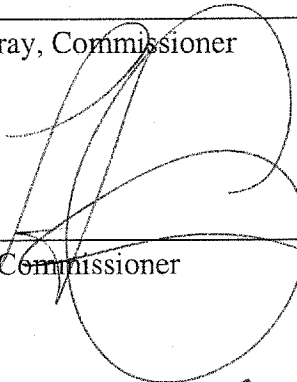
4 CSR 240-29.160 – Audit Provisions



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Jeff Davis, Chairman

NO



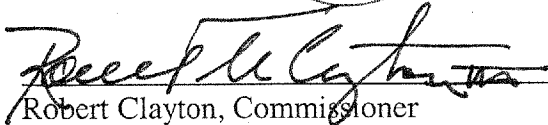
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Connie Murray, Commissioner




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Steve Gaw, Commissioner



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Robert Clayton, Commissioner



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Linward 'Lin' Appling, Commissioner