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OCT 30 2002

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

SECRETARY OF STATE  
ADMINISTRATIVE RULES

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

A. Rule Number 4 CSR 240-31.010

Diskette File Name MoUSF Rule 31.010 Amendment

Name of Person to call with questions about this rule:

Content Marc Poston Phone (573)751-8701 FAX (573)751-9285

Data Entry Natelle Dietrich Phone (573)751-7427 FAX (573)751-9285

Interagency Mailing Address Governor Office Building, 200 Madison Street, 8<sup>th</sup> Floor  
Jefferson City, MO

Statutory Provision for Rulemaking

Authority §§ 392.200.2, 392.248 and 392.470.1. Provide Most Current RSMo Year 2000

Date Filed With the Joint Committee on Administrative Rules Not Applicable (Exempt pursuant To Section 536.037.3 RSMo 2000)

B. CHECK, IF INCLUDED:

FORMS, List by Mo-Form Number, # of Pages

☒ Cover Letter

☒ Affidavit

☒ Cost Statements

☐ Public Entity Fiscal Note

☒ Private Entity Fiscal Note

OTHER

C. RULEMAKING ACTION TO BE TAKEN

☐ Emergency Rulemaking, Must Specify Effective Date

☒ Proposed Rulemaking (New Rule or Amendment or Rescission of Existing Rule)

☐ Order of Rulemaking (MUST complete page 2 of this transmittal)

☐ Withdrawal (Rule, Amendment, Rescission or Emergency)

☐ Rule Action Notice

☐ In Addition

D. SPECIFIC INSTRUCTIONS: In this space indicate any special instructions (e.g., specify publication date preference, identify material incorporated by references, etc.)

**RULE TRANSMITTAL (PAGE 2)**

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E. ORDER OF RULEMAKING: Rule Number N/A

1a. Effective Date for the Order  
Statutory 30 days \_\_\_\_\_ or later 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 or rulemaking, indicating the specific section, subsection, subparagraph, part, etc., where each change is found.

(Start text here. If text continues to a third page, insert a continuous section break and, in section 3, delete the footer language that appears at the bottom of this page.)

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.



Commissioners  
KELVIN L. SIMMONS  
Chair  
CONNIE MURRAY  
SHEILA LUMPE  
STEVE GAW  
BRYAN FORBIS

## Missouri Public Service Commission

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

ROBERT J. QUINN, JR.  
Executive Director  
WESS A. HENDERSON  
Director, Utility Operations  
ROBERT SCHALLENBERG  
Director, Utility Services  
DONNA M. PRENGER  
Director, Administration  
DALE HARDY ROBERTS  
Secretary/Chief Regulatory Law Judge  
DANA K. JOYCE  
General Counsel

October 30, 2002

Mr. Matt Blunt  
Secretary of State

Administrative Rules Division  
600 West Main Street  
Jefferson City, MO 65101

Dear Secretary Blunt,

RE: Proposed amendment to 4 CSR 240-31.010 Definitions

### CERTIFICATION OF ADMINISTRATIVE RULE

I hereby certify that the attached is an accurate and complete copy of the proposed amendment lawfully submitted by the Missouri Public Service Commission for filing on this 30th day of October 2002.

The Missouri Public Service Commission has determined and hereby certifies that this proposed amendment will not have an economic impact on small businesses. The Missouri Public Service Commission also certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017 RSMo 2000 and that this proposed amendment does not constitute a taking of real property under relevant state and federal law.

Statutory Authority: Sections 392.200.2, 392.248 and 392.470.1 RSMo 2000.

If there are any questions, please contact:

Marc Poston, Senior Counsel  
P.O. Box 360  
Jefferson City, MO 65102  
(573) 751-8701, FAX (573) 751-9285  
[marcposton@psc.state.mo.us](mailto:marcposton@psc.state.mo.us)

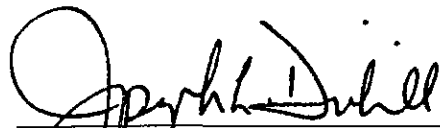
BY THE COMMISSION

Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

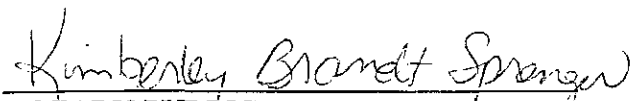
**AFFIDAVIT**

STATE OF MISSOURI     )  
                                  )  
COUNTY OF COLE        )

I, Joseph L. Driskill, Director of the Department of Economic Development, first being duly sworn on my oath state that it is my opinion that the cost of Proposed Amendment 4 CSR 240-31.010 Definitions, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

  
\_\_\_\_\_  
Joseph L. Driskill  
Director  
Department of Economic Development

Subscribed and sworn to before me this 8<sup>th</sup> day of October,  
2006. I am commissioned as a notary public within the County of Cole,  
State of Missouri, and my commission expires on April 29, 2006.

  
\_\_\_\_\_  
NOTARY PUBLIC

KIMBERLEY BRANDT SPRENGER  
NOTARY PUBLIC STATE OF MISSOURI  
COLE COUNTY  
MY COMMISSION EXP. APR. 29, 2006

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240--Public Service Commission  
Chapter 31--Missouri Universal Service Fund

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PROPOSED AMENDMENT

SECRETARY OF STATE  
ADMINISTRATIVE RULES

**4 CSR 240-31.010 Definitions.** The commission is amending section (1) adding a new definition; amending all subsequent sections by renumbering; amending RSMo references to the year 2000 statutes; and amending language to section (2), now section (3).

*PURPOSE: This rule defines terms used in the rules comprising Chapter 31.*

**(1) Applicable Carrier--All telecommunications companies certificated to provide telecommunications services in Missouri except: pay telephone providers, shared tenant services (STS) providers, and those companies with net intrastate end-user revenues below a de minimis level of \$24,000.**

**([1]2) Commission--The Missouri Public Service Commission.**

**([2]3) Cost--Cost of a telecommunications company in providing essential local telecommunications service as determined by the commission.**

**([3]4) Disabled customer--Any customer who requests or receives residential essential local telecommunications service and who meets the definition of disabled set out in section 660.100.2, RSMo [1994] 2000.**

**([4]5) Economically disadvantaged customer-- see low-income customer.**

**([5]6) Essential local telecommunications services-- Two (2)-way switched voice residential service within a local calling scope as determined by the commission, comprised of the following services and their recurring charges:**

- (A) Single line residential service, including Touch-Tone dialing, and any applicable mileage or zone charges;
- (B) Access to local emergency services including, but not limited to, 911 service established by local authorities;
- (C) Access to basic local operator services;
- (D) Access to basic local directory assistance;
- (E) Standard intercept service;
- (F) Equal access to interexchange carriers consistent with rules and regulations of the Federal Communications Commission (FCC);
- (G) One (1) standard white pages directory listing; and
- (H) Toll blocking or toll control for qualifying low-income customers.

([6/7] Fund Administrator-The agency, individual, firm, partnership, or corporation selected by the Missouri Universal Service Board to act as the independent neutral administrator of the Missouri Universal Service Fund.

([7/8] Local calling scope-The geographic area determined by a local exchange telecommunications company's tariffs filed with and approved by the commission, within which telecommunications service is furnished under a non-optional, flat, monthly rate. A local calling scope may include one (1) or more exchange service areas.

([8/9] Low-income customer-Any customer who requests or receives residential essential local telecommunications service and who has been certified by the Department of Social Services as economically disadvantaged by participation in Medicaid, food stamps, Supplementary Security Income (SSI), federal public housing assistance or Section 8, or Low Income Home Energy Assistance Program (LIHEAP).

([9/10] Missouri Universal Service Board (board)-The board established by section 392.248.1, RSMo [Supp. 1997] 2000 and comprised of members of the commission and the Public Counsel, which shall supervise the management of the MoUSF.

([10/11] Missouri Universal Service Fund (MoUSF or Fund)-The universal service fund established by section 392.248, RSMo [Supp. 1997] 2000 to be used:

- (A) To ensure the provision of reasonably comparable essential local telecommunications service, as defined in this rule, throughout the state including high cost areas, at just, reasonable, and affordable rates;
- (B) To assist low-income customers and disabled customers in obtaining affordable essential telecommunications services;
- (C) To pay the reasonable, audited costs of administering the MoUSF; and
- (D) To permit eligible incumbent local exchange companies to recover the reasonably projected changes in revenues from reductions in Federal Universal Service Fund (USF) payments caused by changes to the Federal USF program announced by the FCC no later than December 31, 1997, as determined by the commission.

([11/12] Toll blocking-"Toll blocking" is a service provided by carriers that lets customers elect not to allow the completion of outgoing toll calls from their telecommunications channel.

([12/13] Toll control-"Toll control" is a service provided by carriers that allows customers to specify a certain amount of toll usage that may be incurred on their telecommunications channel per month or per billing cycle.

*AUTHORITY: sections 392.200.2, 392.248 and 392.470.1, RSMo 2000.*

*\* Original rule filed Aug. 15, 1997, effective April 30, 1998. Amended: Filed October 15, 2002. \*Original authority: 392.200, RSMo 1939, amended 1987, 1988, 1996; 392.248, RSMo 1996; and 392.470.1, RSMo 1987.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, P.O. Box 360, Jefferson City, MO 65102, (573) 751-3234. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. Comments should refer to Case No. TX-2002-1026. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the Commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing is scheduled for January 22, 2003 at 10:00 a.m. in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, for interested persons to appear and respond to Commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211, or TDD Hotline 1-800-829-7541.*

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: Missouri Department of Economic Development  
Division: Missouri Public Service Commission  
Chapter: Missouri Universal Service Fund  
Type of Rulemaking: Revision  
Rule Number and Name: 4 CSR 240-31.010 Definitions

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification* by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
3	Class A Local Telephone Companies	\$0
39	Class B Local Telephone Companies	\$0
71	Class C Local Telephone Companies	\$0
551	Class Interexchange Companies	\$0
	All entities	\$0

\* Class A Telephone Companies are incumbent local telephone companies with more than \$100,000,000 annual revenues system wide; Class B Telephone Companies are incumbent local telephone companies with \$100,000,000 annual revenues or less system wide; Class C Local Telephone Companies are all other companies certificated to provide basic local exchange telecommunications services, Class Interexchange Companies are long distance providers.



### **III. WORKSHEET**

1. The proposed rule applies to all classes of telecommunications companies certificated by the Missouri Public Service Commission, and was developed by the Missouri Universal Service Fund Technical Committee.
2. The estimated number of entities affected by the proposed rule reflects the total number of companies certificated within Missouri that could provide service if tariffs are amended as outlined in the proposed rule.

### **IV. ASSUMPTIONS**

1. The life of the rule is estimated to be five years.
2. Fiscal year 2002 dollars were used to estimate costs. No adjustment for inflation is applied.
3. Estimates assume no sudden change in technology that would influence costs.
4. Affected entities are assumed to be in compliance with all other Missouri Public Service Commission rules and regulations.
5. The universe of entities is based upon data contained within the Missouri Universal Service Fund Model as presented before the Commission in Case No. TO-98-329 and is assumed to remain constant.