

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
March 26, 2002**

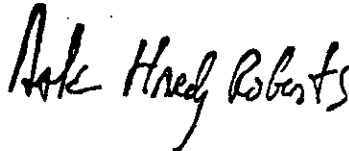
CASE NO: TX-2002-442

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Enclosed find certified copy of a ORDER in the above-numbered case(s).

Sincerely,

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive, flowing style.

**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

Uncertified Copies:

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a Session of the Public Service
Commission held at its office in
Jefferson City on the 26th day of
March, 2002.

In the Matter of a Proposed Amendment to
Rule 4 CSR 240-31.060 – Missouri
Universal Service Fund Assessments

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)

Case No. TX-2002-442

ORDER FINDING NECESSITY FOR RULEMAKING

On January 25, 2001, in Case No. TO-98-329, the Staff of the Commission, on behalf of all the parties to that case, filed a proposal for the low income/disabled portion of the Missouri Universal Service Fund. Staff identified several rule changes and additions necessary to implement this proposal. There are no disputed issues among the parties to Case No. TO-98-329 regarding the need for and structure of a low income/disabled fund. In its Report and Order Establishing Low Income/Disabled Fund in Case No. TO-98-329, the Commission adopted the proposal. The parties identified the following changes to 4 CSR 240-31.060 as necessary to implement the low income/disabled portion of the fund:

(5)(B) The Fund Administrator shall submit to the board its determination of the funding requirements, along with its determination of the revenues upon which the assessment shall be made, and the percentage assessment to be made upon the appropriate revenues of each telecommunications company. **The percentage assessment will be calculated to exclude the assessment for any company with a resulting assessment of less than \$100 per month or \$1,200 per year.**

(6)(A) Notices of assessment shall be sent by the Fund Administrator to every telecommunications company ~~notifying them~~ **with a minimum assessment of \$100 per month. Such notices will inform the company** of the assessment and the payment to be made.

[Added language shown in bold; deleted language shown in strikethrough.]

Pursuant to Section 536.016, RSMo 2000, a state agency is required to find, based upon substantial evidence on the record, that a proposed rule is necessary to carry out the purposes of the statute that granted the rulemaking authority. Based upon its findings in Case No. TO-98-329, incorporated herein by reference, the Commission finds that changes to the Missouri Universal Service Fund rule (specifically, 4 CSR 240-31.060) are necessary to carry out the purposes of Section 386.210 *et seq.* and Section 392.010 *et seq.*, RSMo 2000.

IT IS THEREFORE ORDERED:

1. That the Staff of the Missouri Public Service Commission is directed to proceed expeditiously with the necessary procedures of the Commission and applicable procedures of administrative rulemaking toward the end of the Commission promulgating the rule changes discussed herein.
2. That this order shall become effective on April 5, 2002.

BY THE COMMISSION



**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

(S E A L)

Simmons, Ch., Lumpe, Gaw and Forbis, CC., concur
Murray, C., absent

Mills, Deputy Chief Regulatory Law Judge

ALJ/Secretary:

Mills/Bryce

3-19
Date Circulated

TX-2002-442
CASE NO.

KS
Simmons, Chair

cm - absent
Murray, Commissioner

JL
Lumpe, Commissioner

TV
Gaw, Commissioner

38
Forbis, Commissioner

3-26
Agenda Date

Action taken:

4-0 AS

Must Vote Not Later Than

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 26th day of March 2002 .

Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

