

MEMORANDUM

LS
PB

TO: Dale Hardy Roberts, Secretary

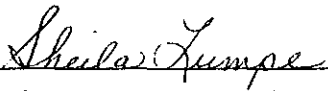
DATE: May 6, 1999


RE: Authorization to File Order of Rulemaking With the Office
of Secretary of State

CASE NO: TX-99-158

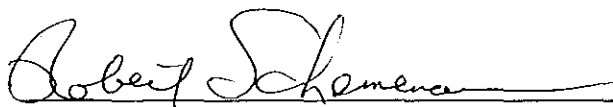
The undersigned Commissioners hereby authorize the Secretary of the Missouri Public Service Commission to file an Order of Rulemaking with the Office of Secretary of State, to wit:

4 CSR 240-33.150 - Verification of Orders for Changing
Telecommunications Service Providers


Sheila Lumpe, Chair


Harold Crumpton, Commissioner


Connie Murray, Commissioner


Robert Schemenauer, Commissioner


M. Dianne Drainer, Vice Chair

Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for
Telecommunications Companies

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.250, RSMo 1994, the commission withdraws a rule as follows:

**4 CSR 240-33.150 Verification of Orders for Changing
Telecommunications Service Providers is withdrawn.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on Jan. 15, 1999 (24 MoReg 188-191).

SUMMARY OF COMMENTS: The Commission received comments from eight (8) sources. The comments addressed both the substance of the rule and the procedure used for this rulemaking.

COMMENT: Multiple comments were received which voiced concerns and suggestions with regard to the proposed rule. Several comments expressed concern that in specific instances the proposed rule may be different or even inconsistent from the rules recently released by the Federal Communications Commission (FCC), and that this could cause unnecessary and unwanted confusion.

RESPONSE: The comments regarding the pending FCC rulemaking process are well-taken. It is the Commission's decision to withdraw the proposed regulation for further consideration. As the Commission is withdrawing the proposed regulation, there is no need to specifically address the additional comments.

RECEIVEDMAY 06 1999
SECRETARY OF STATE
ADMINISTRATIVE RULES DIVISIONREBECCA MCDOWELL COOK
Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

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

A. Rule Number 4 CSR 240-33.150
 Diskette File Name 4 CSR 240-33.150 o. of rulemaking
 Name of Person to call with questions about this rule:
 Context Vicky Ruth Phone 522-8459 FAX 751-1847
 Data Entry Judy Pope Phone 751-6525 FAX 751-1847
 Interagency Mailing Address Truman Bldg., 301 W. High St., Room 530, Jefferson City, MO

Statutory Provision for Rulemaking
 Authority §§ 386.040, 386.250, 392.200 Provide Most Current RSMo Year Supp. 1998
and 392.540
 Date Filed With the Joint Committee on Administrative Rules Exempt per section 536.024, RSMo
Supp. 1998, and Executive Order No. 97-97 (June 27, 1997)

B. CHECK, IF INCLUDED: FORMS, List by Mo-Form Number, # of Pages

<input checked="" type="checkbox"/> Cover Letter	_____
<input type="checkbox"/> Affidavit	_____
<input type="checkbox"/> Cost Statements	_____
<input type="checkbox"/> Public Entity Fiscal Note	<u>OTHER</u>
<input type="checkbox"/> Private Entity Fiscal Note	_____

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 - The commission withdraws its proposed rule.
☐ 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:)



Commissioners
SHEILA LUMPE
Chair

HAROLD CRUMPTON

CONNIE MURRAY

ROBERT G. SCHEMENAUER

M. DIANNE DRAINER
Vice Chair

Missouri Public Service Commission

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

May 6, 1999

GORDON L. PERSINGER
Acting Executive Director
Director, Research and Public Affairs

WESS A. HENDERSON
Director, Utility Operations

ROBERT SCHALLENBERG
Director, Utility Services

DONNA M. KOLILIS
Director, Administration

DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE
General Counsel

RECEIVED

Honorable Rebecca McDowell Cook
Secretary of State
600 West Main Street
Jefferson City, Missouri 65101

MAY 06 1999
SECRETARY OF STATE
ADMINISTRATIVE RULES DIVISION

ATTENTION: Administrative Rules Division

I do hereby certify that the attached are accurate and complete copies of the Order of Rulemaking lawfully submitted by the Missouri Public Service Commission for filing this 6th day of May, 1999.

Rule: 4 CSR 240-33.150 Verification of Orders for Changing Telecommunications Service Providers

Statutory authority: Sections 386.040, RSMo 1994, and 386.250, 392.200 and 392.540, RSMo Supp. 1998

Missouri Public Service Commission Case No.: TX-99-158

If there are any questions, please contact: Vicky Ruth, Regulatory Law Judge
Missouri Public Service Commission
301 West High Street, Room 530
Post Office Box 360
Jefferson City, Missouri 65102
(573) 522-8459

BY THE COMMISSION

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

DHR:VR:jp

Enclosures: Order of Rulemaking, rule transmittal: 1 original + 2 copies of rulemaking packet + electronic copy of Order of Rulemaking in Word 6.0 format on diskette)

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for
Telecommunications Companies**

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SECRETARY OF STATE
ADMINISTRATIVE RULES DIVISION

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