

RULE TRANSMITTAL (PAGE 1)

MATT BLUNT

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

*Administrative Rules Stamp

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NOV 30 2004

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 Proposed Rule 29.140

Name of person to call with questions about this rule:

Content Keith Krueger Phone 573-751-4140 FAX 573-751-9285

Data entry Lesli Belt Phone 573-751-7499 FAX Same as above

Email address keith.krueger@psc.mo.gov

Interagency mailing address Governor Office Building, 200 Madison St., 8th Floor, Jefferson City, MO

Statutory Authority 386.040 Current RSMo date 2000

386.250 2003

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 checked="" 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).

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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.



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

November 30, 2004

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

Dear Secretary Blunt,

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

CERTIFICATION OF ADMINISTRATIVE RULE

I hereby certify that the attached is an accurate and complete copy of the proposed rule lawfully submitted by the Missouri Public Service Commission for filing on this 30th day of November 2004.

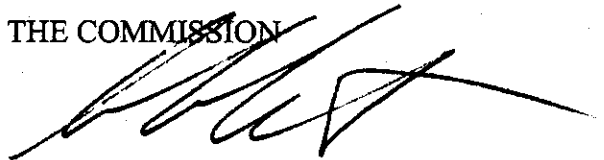
The Missouri Public Service Commission has determined and hereby certifies that this proposed rule will not have an economic impact on small businesses. The Missouri Public Service Commission also certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant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

Statutory Authority: Sections 386.040 and 386.250.

If there are any questions, please contact:

Keith Krueger, Deputy General Counsel
P.O. Box 360
Jefferson City, MO 65102
(573) 751-4140, FAX (573) 751-9285
keith.krueger@psc.mo.gov

BY THE COMMISSION

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

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

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

PROPOSED RULE

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

PURPOSE: The purpose of this rule is to establish parameters and procedures for blocking traffic by terminating carriers if transiting carriers fail to comply with rules pertaining to traffic traversing the LEC-to-LEC network.

- (1) In all instances of traffic blocking, transiting carriers may utilize alternative methods of delivering the blocked traffic to terminating carriers. Such methods may include interconnection agreement negotiations for transiting traffic, direct interconnection by originating carriers and/or traffic aggregators with terminating carriers, or contracting with interexchange carriers for traffic delivery.
- (2) Pursuant to section (3) below, the terminating carrier may block LEC-to-LEC traffic from a transiting carrier if the transiting carrier has failed to comply with rules pertaining to traffic traversing the LEC-to-LEC network including, but not limited to, ensuring that originating caller identification is being delivered to the terminating carrier.
- (3) If the terminating carrier is unable to agree with the transiting carrier on blocking or other resolution of the issue, the terminating carrier will formally notify, via certified mail, the transiting carrier and the manager of the telecommunications department of the commission of the terminating carrier's intent to block traffic delivered by the transiting carrier. Such notice shall clearly indicate that the blocking will be done pursuant to the rules of the Missouri Public Service Commission and shall clearly indicate the reason(s) for certain traffic to be blocked, the date the traffic block will begin, an explanation of what action the transiting carrier should take to prevent any traffic from being blocked, when this corrective action must be completed, and the person to contact to obtain further information. Such blocks shall not be instituted on weekends or holidays, or on a day immediately preceding a weekend or holiday. Such blocks will not be implemented before forty-five (45) days after receipt of written notice.
- (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 UNE-P services. 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 of facilities. Such notices shall be sent via certified mail within seven days from the receipt of notice from the terminating carrier.

(5) Upon receipt of notice that its traffic is subject to blocking, wireline carriers shall determine whether to use alternative means of delivering the traffic that is subject to blocking. If the wireline carrier elects not to use an alternate means of delivering the traffic, the wireline carrier shall, within fifteen (15) days, notify all potentially affected end users in writing that calls to affected NPA-NXXs may be blocked. A copy of such written notification shall be provided to the manager of the telecommunications department of the MoPSC. In lieu of such customer notification, the originating carrier and/or traffic aggregator may proceed according to sections (6) and (7) following.

(6) If a transiting carrier wishes to dispute a proposal whereby some or all of its LEC-to-LEC traffic would be blocked by a terminating carrier, the transiting carrier should immediately seek action by the commission through the filing of a formal complaint. Such a complaint shall provide all relevant evidence refuting any reasons for blocking such traffic. Such complaint shall include a request for expedited resolution.

(7) If the transiting carrier files a formal complaint, the terminating carrier will cease blocking, pending the commission's decision. In all instances of blocking by a terminating carrier, the costs associated with blocking shall be borne by the terminating carrier, even if blocking is ultimately not implemented.

AUTHORITY: sections 386.040 and 386.250, RSMo 2000. Original rule filed November 30, 2004.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before February 2, 2005, and should include a reference to commission Case No. TX-2003-0301. 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 regarding this proposed rule is scheduled for February 9, 2005, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to 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 (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

AFFIDAVIT

STATE OF MISSOURI)
)
COUNTY OF COLE)

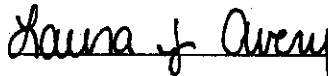
I, Anne Walker, Deputy Director of the Department of Economic Development, first being duly sworn on my oath state that it is my opinion that the cost of the **Proposed Rule 4 CSR 240-29.140, Blocking Traffic of Transiting Carriers by Terminating Carriers** is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.



Anne Walker
Deputy Director
Department of Economic Development

Subscribed and sworn to before me this 4th day of November, 2004.

I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on August 12, 2008.



NOTARY PUBLIC





Matt Blunt
Secretary of State

**Administrative Rules Division
Rulemaking Transmittal Receipt**

Rule ID: 2116
Date Printed: 11/30/2004
Rule Number: 4 CSR 240-29.140
Rulemaking Type: Proposed Rule
Date Submitted to Administrative Rules Division: 11/30/2004
Date Submitted to Joint Committee on Administrative Rules:

Name of Person to Contact with questions concerning this rule:

Content: Keith Krueger	Phone: 751-4140	Email: keith.krueger@psc.mo.gov	Fax:
RuleDataEntry: Lesli Belt	Phone: 751-7499	Email: keith.krueger@psc.mo.gov	Fax:

Included with Rulemaking:

Cover Letter	11/30/2004
Affidavit for public cost	11/30/2004

