

John R. Ashcroft

Secretary of State
Administrative Rules Division

RULE TRANSMITTAL

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APR 12 2018

SECRETARY OF STATE
ADMINISTRATIVE RULES

COPY

Rule Number 4 CSR 240-31.014

Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:

Content Morris Woodruff Phone 573-751-2849 FAX 573-526-6010

Email address morris.woodruff@psc.mo.gov

Data Entry Chris Koenigsfeld Phone 573-751-4256 FAX 573-526-6010

Email address Christine.koenigsfeld@psc.mo.gov

Interagency mailing address Public Service Commission, 9th Fl., Gov. Ofc. Bldg., JC, MO

TYPE OF RULEMAKING ACTION TO BE TAKEN

☐ Emergency rulemaking, include effective date

☒ Proposed Rulemaking

☐ Withdrawal ☐ Rule Action Notice ☐ In Addition ☐ Rule Under Consideration

☐ Request for Non-Substantive Change

☐ Statement of Actual Cost Order of Rulemaking

Effective Date for the Order _____

☐ Statutory 30 days OR Specific date _____

Does the Order of Rulemaking contain changes to the rule text? ☐ NO

☐ YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

Small Business Regulatory
Fairness Board (DED) Stamp

SMALL BUSINESS
REGULATORY FAIRNESS BOARD

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JOINT COMMITTEE ON

APR 12 2018

ADMINISTRATIVE RULES



Commissioners

DANIEL Y. HALL
Chairman

WILLIAM P. KENNEY

SCOTT T. RUPP

MAIDA J. COLEMAN

RYAN A. SILVEY

Missouri Public Service Commission

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

SHELLEY BRUEGGEMANN
General Counsel

MORRIS WOODRUFF
Secretary

LOYD WILSON
Director of Administration

NATELLE DIETRICH
Staff Director

April 12, 2018

John Ashcroft
Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, Missouri 65101

Re: 4 CSR 240-31.014 Lifeline and Disabled Programs

Dear Secretary Ashcroft,

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rule lawfully submitted by the Missouri Public Service Commission.

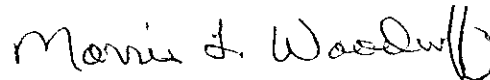
The Public Service Commission has determined and hereby certifies that this proposed rule will not have an economic impact on small businesses. The Public Service Commission further certifies that it has conducted an analysis of whether there has been a taking of real property pursuant to section 536.017, RSMo, that the proposed rule does not constitute a taking of real property under relevant state and federal law, and that the proposed rule conforms to the requirements of 1.310, RSMo, regarding user fees.

The Public Service Commission has determined and hereby also certifies that this proposed rule complies with the small business requirements of 1.310, RSMo, in that it does not have an adverse impact on small businesses consisting of fewer than fifty full or part-time employees or it is necessary to protect the life, health, or safety of the public, or that this rulemaking complies with 1.310, RSMo, by exempting any small business consisting of fewer than fifty full or part-time employees from its coverage, by implementing a federal mandate, or by implementing a federal program administered by the state or an act of the general assembly.

Statutory Authority: section 392.200.2, RSMo Supp. 2013, and sections 392.248 and 392.470.1, RSMo 2000.

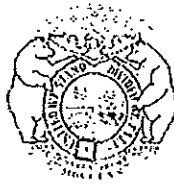
If there are any questions regarding the content of this proposed rule, please contact:

Morris Woodruff, Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street
P.O. Box 360
Jefferson City, MO 65102
(573) 751-2849
Morris.Woodruff@psc.mo.gov

A handwritten signature in black ink, appearing to read "Morris L. Woodruff", followed by a stylized circular flourish.

Morris L. Woodruff
Chief Regulatory Law Judge

Enclosures



GOVERNOR OF MISSOURI
JEFFERSON CITY
65102

ERIC R. GREITENS
GOVERNOR

P.O. Box 720
(573) 751-3222

February 7, 2018

Daniel Hall
Public Service Commission
200 Madison Street
P.O. Box 360
Jefferson City, Missouri 65102

Dear Chairman Hall:

This office has received your rulemaking relating to organization, powers, and meetings of the board (rescission), 4 CSR 240-31.020; the MoUSFA (rescission), 4 CSR 240-31.030; eligibility for funding – high cost areas (rescission), 4 CSR 240-31.040; the MoUSF assessment (rescission), 4 CSR 240-31.060; disbursement of MoUSF funds (rescission), 4 CSR 240-31.090; review procedures for support payments (rescission), 4 CSR 240-31.100; review of board and MoUSFA activities (rescission), 4 CSR 240-31.110; lifeline program and disabled program (rescission), 4 CSR 240-31.120; eligible telecommunications carrier requirements (rescission), 4 CSR 240-31.130; definitions (proposed), 4 CSR 240-31.010; Missouri USF administration (proposed), 4 CSR 240-31.011; Missouri USF assessment (proposed), 4 CSR 240-31.012; Missouri USF high cost support (proposed), 4 CSR 240-31.013; lifeline and disabled programs (proposed), 4 CSR 240-31.014; ETC requirements (proposed), 4 CSR 240-31.015; and ETC application requirements (proposed), 4 CSR 240-31.016.

Executive Order 17-03 requires this office's approval before state agencies release proposed regulations for notice and comment, amend existing regulations, rescind regulations, or adopt new regulations. After our review, we approve the submission of these rule rescissions and proposed rules to JCAR and the Secretary of State.

Sincerely,

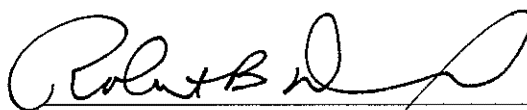
A handwritten signature in black ink, appearing to read "Justin D. Smith".

Justin D. Smith
Deputy Counsel

**AFFIDAVIT
PUBLIC COST**

STATE OF MISSOURI)
)
COUNTY OF COLE)

I, Rob Dixon, 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 rule 4 CSR 240-31.014, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.




Rob Dixon
Director
Department of Economic Development

Subscribed and sworn to before me this 14th day of March, 2018 I am
commissioned as a notary public within the County of Moniteau State of
Missouri, and my commission expires on Dec. 13, 2019



DAWN ELLEN OVERBEY
My Commission Expires
December 13, 2019
Moniteau County
Commission #15456865


Notary Public

**Title 4—DEPARTMENT OF
ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 31—Universal Service**

PROPOSED RULE

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**SECRETARY OF STATE
ADMINISTRATIVE RULES**

4 CSR 240-31.014 Lifeline and Disabled Programs.

PURPOSE: This proposed rule identifies enrollment, funding, and service requirements for the Lifeline and/or Disabled programs.

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(1) Missouri USF support for the Lifeline and Disabled programs is limited to companies that are current on Missouri USF assessment obligations and have a certificate of service authority to provide basic local telecommunications service or a registration to provide IVoIP service from the commission. ETC designation pursuant to 47 CFR Part 54 Subpart C is a requirement for participation in the Lifeline program but not the Disabled program.

(2) The Lifeline Program is subject to the federal requirements identified in FCC rules.

(3) The Disabled Program

(A) Eligibility criteria is satisfied by participation in any of the following programs-

1. Veteran Administration Disability Benefits;
2. State Blind Pension;
3. State Aid to Blind Persons;
4. State Supplemental Disability Assistance; or
5. Federal Social Security Disability.

(B) If a consumer qualifies for the Disabled program but is not listed as the subscriber then the company must track such instances and annually verify the disabled customer remains within the household.

(4) A household or subscriber may not simultaneously participate in the Disabled program and the Lifeline program.

(5) The enrollment form for the Lifeline program should comply with federal requirements. The enrollment form for the Disabled program may be the same form but with the addition of the Disabled program qualifying criteria.

(6) All Missouri USF support received by a company for the Lifeline or Disabled programs shall flow through to participating customers in the form of discounted essential local telecommunications service.

(7) The Missouri USF support amount for the Lifeline and Disabled programs is identified on the Missouri USF website. Missouri USF Lifeline support, when combined with federal USF Lifeline support, shall not exceed the sum of an ETC's rate for essential local telecommunications service and subscriber line charge.

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(8) In order to receive a Missouri USF disbursement a company must complete an Application for Support Eligibility form within three (3) months of provisioning the service pertaining to the disbursement request. Failure to submit this form within this time period will limit support to the amount requested or to a designated amount approved by the board and posted on the Missouri USF website (whichever is less).

AUTHORITY: section 392.200.2, RSMo Supp. 2013, and sections 392.248 and 392.470.1, RSMo 2000 (Original authority: 392.200, RSMo 1939, amended 1987, 1988, 1996; 392.248, RSMo 1996; and 392.470.1, RSMo 1987) Original rule filed Aug. 7, 2013, effective April 30, 2014.

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 the proposed rule with the Missouri Public Service Commission, 200 Madison Street. P.O. Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received at the commission's offices on or before July 2, 2018, and should include a reference to Commission Case No. TX-2018-0120. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rule is scheduled for July 9, 2018, at 10:00 a.m., in Room 310 of the Governor Office Building, 200 Madison St., 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.

Small Business Regulator Fairness Board Small Business Impact Statement

Date: November 17, 2017

Rule Number: 4 CSR 240-31.014

Name of Agency Preparing Statement: Missouri Public Service Commission

Name of Person Preparing Statement: Kari Salsman

Phone Number: 573-526-5631 **Email:** kari.salsman@psc.mo.gov

Name of Person Approving Statement: Natelle Dietrich

Please describe the methods your agency considered or used to reduce the impact on small businesses *(examples: consolidation, simplification, differing compliance, differing reporting requirements, less stringent deadlines, performance rather than design standards, exemption, or any other mitigating technique).*

Proposed rule simplifies and streamlines rules, which will reduce any impact on small businesses.

Please explain how your agency has involved small businesses in the development of the proposed rule.

Feedback was solicited in Case No. TW-2017-0078 and a workshop.

Please list the probable monetary costs and benefits to your agency and any other agencies affected. Please include the estimated total amount your agency expects to collect from additionally imposed fees and how the moneys will be used.

None

Please describe small businesses that will be required to comply with the proposed rule and how they may be adversely affected.

The proposed rule applies to companies designated as eligible telecommunications carriers, telecommunications companies and IVoIP providers. No company will be adversely affected by the proposed rule.

Please list direct and indirect costs (in dollars amounts) associated with compliance.

N/A

Please list types of business that will be directly affected by, bear the cost of, or directly benefit from the proposed rule.

Companies designated as eligible telecommunications carriers, telecommunications companies and IVolP providers.

Does the proposed rule include provisions that are more stringent than those mandated by comparable or related federal, state, or county standards?

Yes___ No_X__

If yes, please explain the reason for imposing a more stringent standard.

For further guidance in the completion of this statement, please see §536.300, RSMo.