

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of the Waiver of Certain Rules and Statutes to Telecommunications Companies

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File No. TE-2012-0073

ORDER DIRECTING FILING

Issue Date: September 12, 2011

Effective Date: September 12, 2011

On September 8, 2011, the Commission's Staff filed a motion asking the Commission to adopt a list of standard waivers, grant those standard waivers to all telecommunications companies, except to those that request that those waivers not be granted, and waive the Commission regulations that require that these waivers be listed in future applications and tariffs. After considering Staff's motion, the Commission is concerned that if it were to grant Staff's motion it would be creating a rule as defined in Section 536.010(6), RSMo (Supp. 2010)¹ without going through the procedures in Section 536.021, RSMo (Supp. 2010). If that is the case, the Commission would need to proceed with a formal rulemaking under Chapter 536 to accomplish Staff's goal.

Before acting on Staff's motion, the Commission will direct its Staff to file a pleading explaining whether the relief Staff seeks would constitute a "rule" within the meaning of Section 536.010(6), RSMo (Supp. 2010).

¹ That statute defines “Rule” as “each agency statement of general applicability that implements, interprets, or prescribes law or policy, or that describes the organization, procedure, or practice requirements of any agency.”

THE COMMISSION ORDERS THAT:

1. The Commission's Staff shall file a pleading no later than September 26, 2011, explaining whether the relief it seeks in this case would constitute a "rule" within the meaning of Section 536.010(6), RSMo (Supp. 2010).
2. This order shall become effective immediately upon issuance.

BY THE COMMISSION



Steven C. Reed
Secretary

(S E A L)

Morris L. Woodruff, Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 12th day of September, 2011.