

**Robin Carnahan**

Secretary of State  
Administrative Rules Division

**RULE TRANSMITTAL**

Administrative Rules Stamp

**RECEIVED**

**DEC 16 2009**

SECRETARY OF STATE  
ADMINISTRATIVE RULES

4 CSR 240-3.545 Filing Requirements for Telecommunications Company

Rule Number Tariffs

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

FILED  
December 17, 2009  
Data Center  
Missouri Public  
Service Commission

Name of person to call with questions about this rule:

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

Email address morris.woodruff@psc.mo.gov

Data Entry Morris Woodruff Phone 573-751-2849 FAX 573-526-6010

Email address morris.woodruff@psc.mo.gov

Interagency mailing address PSC, Ste 900, Gov. Ofc. Bldg., Jefferson City, MO 65102

TYPE OF RULEMAKING ACTION TO BE TAKEN

☐ Emergency rulemaking, include effective date

☒ Proposed Rulemaking

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

☐ 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:

~~DEC 16 2009~~

**RECEIVED**

Small Business Regulatory  
Fairness Board (DED) Stamp  
SMALL BUSINESS  
REGULATORY FAIRNESS BOARD

~~DEC 16 2009~~

**RECEIVED**

JCAR Stamp

JOINT COMMITTEE ON

DEC 16 2009

ADMINISTRATIVE RULES



Commissioners

ROBERT M. CLAYTON III  
Chairman

JEFF DAVIS

TERRY M. JARRETT

KEVIN GUNN

ROBERT S. KENNEY

*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>

WESS A. HENDERSON  
Executive Director

DANA K. JOYCE  
Director, Administration and  
Regulatory Policy

ROBERT SCHALLENBERG  
Director, Utility Services

NATELLE DIETRICH  
Director, Utility Operations

STEVEN C. REED  
Secretary/General Counsel

KEVIN A. THOMPSON  
Chief Staff Counsel

December 16, 2009

Robin Carnahan  
Secretary of State  
Administrative Rules Division  
600 West Main Street  
Jefferson City, Missouri 65101

RECEIVED

DEC 16 2009

SECRETARY OF STATE  
ADMINISTRATIVE RULES

Re: 4 CSR 240-3.545 Filing Requirements for Telecommunications Company Tariffs

Dear Secretary Carnahan,

**CERTIFICATION OF ADMINISTRATIVE RULE**

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


The Public Service Commission has determined and hereby certifies that this proposed rulemaking will not have an economic impact on small businesses. The Public Service Commission further 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, that the proposed rulemaking does not constitute a taking of real property under relevant state and federal law, and that the proposed rulemaking conforms to the requirements of HB 191, Section 1, regarding user fees.

The Public Service Commission has determined and hereby also certifies that this proposed rulemaking complies with the small business requirements of HB 191, Section 1, in that it does not have an adverse impact on small businesses consisting of fewer than twenty-five 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 HB 191, by exempting any small business consisting of fewer than twenty-five 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 386.250, RSMo 2000

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

Morris L. 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

  
Morris L. Woodruff  
Chief Regulatory Law Judge

**AFFIDAVIT  
PUBLIC COST**

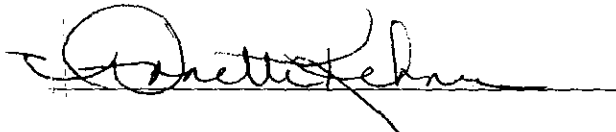
STATE OF MISSOURI     )  
                                      ) ss.  
COUNTY OF COLE        )

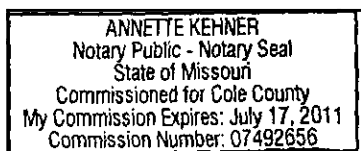
I, David Kerr, Director, Missouri Department of Economic Development, first being duly sworn, on my oath, state that it is my opinion that the cost of the proposed amendment to rule, 4 CSR 240-3.545, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.



David Kerr  
Director  
Department of Economic Development

Subscribed and sworn to before me this 10<sup>th</sup> day of Dec, 2009. I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on 17 July 2011.





Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240 – Public Service Commission  
Chapter 3 – Filing and Reporting Requirements

RECEIVED

DEC 16 2009

PROPOSED AMENDMENT

SECRETARY OF STATE  
ADMINISTRATIVE RULES

4 CSR 240-3.545 Filing Requirements for Telecommunications Company  
Tariffs

*PURPOSE: These amendments to sections (16) through (23) clarify certain effective dates and other administrative procedures for proposed tariff revisions, consistent with recent changes in the law.*

**(16) Requirements For Tariff Filings [Pursuant to Section 392.500, RSMo.] That Change Rates For Services.**

(A) The commission shall be notified at least ten (10) days in advance of a proposed increase in **individual** rates or charges or a proposed change in any classification or tariff resulting in an increase in rates or charges for competitive telecommunications services. **Commission notice shall be in the form of a tariff filing with a proposed effective date that is at least ten (10) days after the tariff has been filed. Potentially affected customers shall be notified at least ten (10) days prior to the rate increase.**

*[1. A proposed increase in rates or charges or a proposed change in any classification or tariff resulting in an increase in rates or charges pursuant to section 392.500 is defined as a rate increase to existing rates or charges for any competitive service.*

*2. No other tariff changes, except as directed by commission order or as allowed under section (19) below, are permitted on ten (10) day's notice.*

*3. Commission notice shall be in the form of a tariff filing with a proposed effective date that is ten (10) days after the tariff has been filed.]*

(B) The commission shall be notified at least one (1) day in advance of a proposed decrease in **individual** rates or charges or a proposed change in any classification or tariff resulting in a decrease in rates or charges for competitive telecommunications services. **Commission notice shall be in the form of a tariff filing with a proposed effective date that is at least one (1) day after the tariff has been filed.**

*[1. A proposed decrease in rates or charges or a proposed change in any classification or tariff resulting in a decrease in rates or charges pursuant to section 392.500 is defined as:*

*A. A rate decrease to existing rates or charges for any competitive service;*

*B. A proposal to establish or revise a package of services involving a regulated intrastate service provided all regulated*

JOINT COMMITTEE ON

DEC 16 2009

ADMINISTRATIVE RULES

intrastate telecommunications services in the package are currently tariffed on an individual basis.

2. No other tariff changes, except as directed by commission order, are permitted on one (1) day's notice.

3. Commission notice shall be in the form of a tariff filing with a proposed effective date that is one (1) day after the tariff has been filed.]

[(C) A thirty (30)-day tariff filing is required to introduce or revise the terms and conditions of any competitive service available on an individual basis. A thirty (30)-day tariff filing is required to eliminate any package of services.]

**(C) The commission shall be notified at least one (1) day in advance of either the introduction of a new package of services (as that term is used in section 392.200.12 RSMo Supp. 2008) or a change is made to an existing package of services. The commission shall be notified at least ten (10) days in advance of the elimination of a package of services. Commission notice shall be in the form of a tariff filing with a proposed effective date consistent with required commission notice.**

**(D) Promotions are those service offerings that provide a reduction or waiver of a tariffed rate for a limited period of time. New promotions or changes to existing promotions are allowed to go into effect after one (1) day prior notice to the commission. Promotions must be offered under tariff, and prior notification to the commission via a tariff filing is required. Promotions must have established start and end dates and must be offered in a nondiscriminatory manner.**

**(E) Changes of rates within a previously approved band of rates do not require tariff changes or prior commission notice.**

(17) When a telecommunications company files a revised tariff or sheet(s) pursuant to a commission order the cover letter shall state that the filing is in compliance with the commission's order in Case No. \_\_\_\_ and shall indicate the location of the changes in the PSC Mo. No. \_\_\_\_.

[(18) Except as otherwise provided in this rule, no tariff will be accepted for filing unless it is delivered to the commission free from all charges or claims for postage and allows the full thirty (30) days required by law from date of receipt until effective date requested in the cover letter.]

[(19) Promotions are those service offerings that provide a reduction or waiver of a tariffed rate for a limited period of time. Promotions are allowed to go into effect after seven (7) days prior notice to the commission for competitive services and

*after ten (10) days prior notice to the commission for noncompetitive services. Promotions must be offered under tariff, and prior notification to the commission via a tariff filing is required. Promotions must have established start and end dates and must be offered in a nondiscriminatory manner.]*

*[(20)] (18) In the case of a change of name, the telecommunications company shall issue immediately and file with the commission an adoption notice substantially as follows: "The (name of telecommunications company) hereby adopts, ratifies and makes its own, in every respect as if the same had been originally filed by it, all tariffs filed with the Public Service Commission, State of Missouri, by the (name of telecommunications company) prior to (date) or the telecommunications company shall file a new tariff under the new name." Specific requirements for filings regarding company name changes are contained in Chapter 2 of the commission's rules in rule 4 CSR 240-2.060. In addition to filing the items in 4 CSR 240-2.060, applicant must notify its customers at or before the next billing cycle of any name change affecting customer recognition of the company and file a copy of that notice with the adoption notice.*

*[(21) Tariffs sent for filing should be addressed to Secretary, Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City, MO 65102.]*

*[(22)] (19) [Within six (6) months of the effective date of the rule, all] All telecommunications companies shall update the commission's electronic filing system with the current name, address, telephone number and email address for the regulatory contact person within the telecommunications company [ This information shall be updated in the electronic filing system] within ten (10) business days of when changes occur.*

*[(23)] (20) Waivers regarding compliance with the requirements of this rule granted under previously used rule numbers such as 4 CSR 240-30.010(2)(C) will continue in effect unless otherwise ordered by the commission.*

*AUTHORITY: section 386.250, RSMo 2000.\* Original rule filed Aug. 16, 2002, effective April 30, 2003. Rescinded and readopted: Filed Jan. 28, 2004, effective Sept. 30, 2004. Amended: Filed May 12, 2006, effective Dec. 30, 2006. Amended: Filed , effective . \*Original authority: 386.260, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996.*

*PUBLIC COST: Adoption of this proposed amendment will not cost affected state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE COST: Adoption of this proposed amendment will not cost affected private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed*

amendment with the Missouri Public Service Commission, Steve Reed, 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 March 5, 2010, and should include a reference to Commission File No. TX-2010-0159. Comments may also be submitted via a filing using the Commission's electronic filing and information system (EFIS). A public hearing regarding this proposed rule is scheduled for March 8, 2010 at 10:00 a.m. in the commission's offices in the Governor Office Building, 200 Madison Street, Room 305, 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 (voice) or Relay Missouri at 711.



# **Small Business Regulator Fairness Board**

## **Small Business Impact Statement**

Date: November 9, 2009

Rule Number: 4 CSR 240-3.545(16)

Name of Agency Preparing Statement: Missouri Public Service Commission

Name of Person Preparing Statement: John Van Eschen

Phone Number: 751-5525

Email: [john.vaneschen@psc.mo.gov](mailto:john.vaneschen@psc.mo.gov)

Name of Person Approving Statement:

**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).*

This proposal will ensure existing rule complies with Section 392.200.12.

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

A draft of the proposed rule was reviewed by the Missouri Telecommunications Industry Association who provided feedback on the development of the proposed rule.

**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.**

No carrier expects the proposed rulemaking to generate additional costs.

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

All telecommunications carriers certificated by the Missouri Public Service Commission are required to comply with this rule. No carrier should be adversely affected.

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

No entity should be adversely affected by this proposed rule.

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

Incumbent local exchange carriers, competitively classified local exchange carriers, and competitively classified interexchange carriers.

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

Yes ☐ No ☒

**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.*