

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the Missouri and the United States Constitutions; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

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

EMERGENCY AMENDMENT

4 CSR 240-31.010 Definitions. The commission is adding a new section (8), amending current sections (9)–(14), and renumbering the sections as necessary.

PURPOSE: *This rule is amended to conform to new federal guidelines concerning eligibility to receive Lifeline Program support.*

EMERGENCY STATEMENT: *This rule is amended to bring the commission's rule regarding eligibility to receive Lifeline Program support from the Universal Service Fund into conformity with federal eligibility requirements for that program. The Federal Communications Commission issued an order on February 6, 2012, that requires the state to conform its eligibility requirements to the federal standards by June 1, 2012. If Missouri's eligibility requirements as set forth in the commission's rule are not in conformity by that date, over one hundred thousand (100,000) Missouri telecommunications customers who are currently receiving Lifeline support will become ineligible to receive that support from the Universal Service Fund. Lifeline support is the means by which many low-income households are able to maintain a phone connection that might otherwise be unaffordable. As its name implies, Lifeline support may be the only means by which*

such households are able to call for medical assistance or to contact family members. Because of the need to preserve the eligibility of Missouri citizens to receive Lifeline support, the Public Service Commission finds an immediate danger to the public health, safety, and welfare, and a compelling governmental interest that requires this emergency action. A proposed amendment that covers the same material is published in this issue of the Missouri Register. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Public Service Commission believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed May 18, 2012, becomes effective June 1, 2012, and expires February 28, 2013.

(8) Income—All income actually received by all members of the household. This includes salary before deductions for taxes, public assistance benefits, Social Security payments, pensions, unemployment compensation, veteran's benefits, inheritances, alimony, child support payments, worker's compensation benefits, gifts, lottery winnings, and the like. The only exceptions are student financial aid, military housing and cost-of-living allowances, irregular income from occasional small jobs such as baby-sitting or lawn mowing, and the like.

[(8)](9) Local calling scope—The geographic area determined by a local exchange telecommunications company's tariffs filed with and approved by the commission, within which telecommunications service is furnished under a non-optional, flat, monthly rate. A local calling scope may include one (1) or more exchange service areas.

[(9)](10) Low-income customer—Any customer who requests or receives residential essential local telecommunications service and whose income, as defined in section (8) above, is at or below one hundred thirty-five percent (135%) of the Federal Poverty Guidelines or who participates or has a dependent residing in the customer's household who participates in a program pursuant to 42 U.S.C. sections 1396f–j–1396v, food stamps (7 U.S.C. section 51), Supplementary Security Income (SSI) (42 U.S.C. section 7), federal public housing assistance or Section 8 (42 U.S.C. section 8), National School Lunch Program's free lunch program (42 U.S.C. section 13), Temporary Assistance for Needy Families (42 U.S.C. section 7(IV)), or Low Income Home Energy Assistance Program (LIHEAP) (42 U.S.C. section 94).

[(10)](11) Missouri Universal Service Board (board)—The board established by section 392.248.1., RSMo 2000, and comprised of members of the commission and the Public Counsel, which shall supervise the management of the MoUSF.

[(11)](12) Missouri Universal Service Fund (MoUSF or Fund)—The universal service fund established by section 392.248, RSMo 2000, to be used[.]:—

(A) To ensure the provision of reasonably comparable essential local telecommunications service, as defined in this rule, throughout the state including high cost areas, at just, reasonable, and affordable rates;

(B) To assist low-income customers and disabled customers in obtaining affordable essential telecommunications services;

(C) To pay the reasonable, audited costs of administering the MoUSF; and

(D) To permit eligible incumbent local exchange companies to recover the reasonably projected changes in revenues from reductions in Federal Universal Service Fund (USF) payments caused by changes to the Federal USF program announced by the FCC no later than December 31, 1997, as determined by the commission.

[(12)](13) Net jurisdictional revenue—Net jurisdictional revenue shall include all revenues received by an applicable carrier from retail customers resulting from the provision of intrastate regulated telecommunications services, but shall not include revenue from pay-phone operations, taxes, and uncollectibles. Revenues received from another provider of telecommunications services for the provision of switched and special exchange access services and for the provision of unbundled network elements and resold services[,] shall not be considered retail revenues.

[(13)](14) Toll blocking—["Toll blocking["] is a service provided by carriers that lets customers elect not to allow the completion of outgoing toll calls from their telecommunications channel.

[(14)](15) Toll control—["Toll control["] is a service provided by carriers that allows customers to specify a certain amount of toll usage that may be incurred on their telecommunications channel per month or per billing cycle.

AUTHORITY: section 392.200.2., [HB 1779, Second Regular Session, Ninety-fourth General Assembly, 2008] RSMo Supp. 2011, and sections 392.248 and 392.470.1., RSMo 2000. Original rule filed Aug. 15, 1997, effective April 30, 1998. For intervening history, please consult the Code of State Regulations. Emergency amendment filed May 18, 2012, effective June 1, 2012, expires Feb. 28, 2013. A proposed amendment covering this same material is published in this issue of the Missouri Register.