

MEMORANDUM

Dale Hardy Roberts, Secretary

DATE: April 15, 2003

Authorization to File the Final Orders of Rulemaking with the Office of Secretary of State

CASE NO: TX-2002-1026

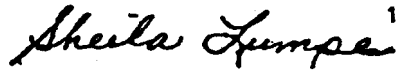
The undersigned Commissioners hereby authorize the Secretary of the Missouri Public Service Commission to file the following Final Orders of Rulemakings with the Office of Secretary of State, to wit:

4 CSR 240-31.010 --- Definitions

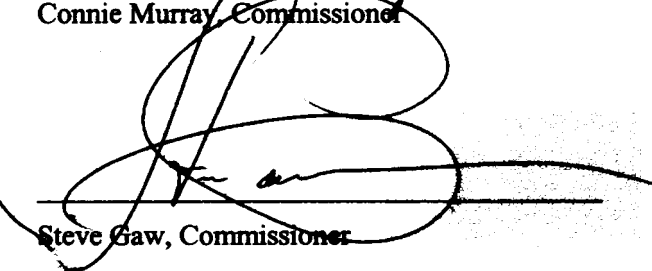
4 CSR 240-31.050 --- Eligibility for Funding – Low-Income and Disabled Customers

4 CSR 240-31.060 --- Assessments for MoUSF Funding

~~**4 CSR 240-33.060 --- Residential Customer Inquiries**~~


Kelvin L. Simmons, Chair

Sheila Lumpe, Commissioner


Connie Murray, Commissioner
Steve Gaw, Commissioner
Bryan Forbis, Commissioner

**Title 4—Rules of Department of Economic Development
Division 240—Public Service Commission
Chapter 31—Missouri Universal Service Fund**

RECEIVED

AP 16200

ORDER OF RULEMAKING

**SECRETARY OF STATE
ADMINISTRATIVE RULES**

By the authority vested in the Missouri Public Service Commission under sections 392.200.2, 392.248, and 392.470.1 RSMo 2000, the Commission amends a rule as follows:

4 CSR 240-31.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2159). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A hearing was held on January 22, 2003, at 10:00 a.m., in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Oral testimony and written comments were received during the comment period regarding proposed amendment 4 CSR 240-31.010.

COMMENTS: A telephone company recommended a modification to the proposed definition of “Applicable carrier” to clarify that the exception for companies with *de minimis* net intrastate end-user retail revenues below twenty-four thousand dollars (\$24,000) is calculated on an annual basis.

RESPONSE AND EXPLANATION OF CHANGE: Section (1) will be changed by adding the term “annual” before the word “net.”

COMMENTS: A telephone company recommended a modification to the definition of “Applicable carrier” to clarify that only revenues resulting from the provision of regulated telecommunications services should be considered.

RESPONSE AND EXPLANATION OF CHANGE: Section (1) will be changed by deleting the words “intrastate end-user” and by adding the word “jurisdictional” before the word “revenues.”

COMMENTS: A telephone company recommended that the Commission define the net jurisdictional revenues that are subject to assessment, and to which the Missouri Universal Service Fund surcharge applies.

RESPONSE AND EXPLANATION OF CHANGE: A new Section (12) will be added that defines “net jurisdictional revenues.” This change requires a renumbering that moves the definition of “toll blocking” to Section (13) and “toll control” to Section (14).

4 CSR 240-31.010 Definitions

(1) Applicable Carrier-All telecommunications companies certificated to provide telecommunications services in Missouri except: pay telephone providers, shared tenant services (STS) providers, and those companies with annual net jurisdictional revenue below a de minimis level of twenty-four thousand dollars (\$24,000).

(12) 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 payphone 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) 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) 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.

Title 4—Rules of Department of Economic Development
Division 240—Public Service Commission
Chapter 31—Missouri Universal Service Fund

RECEIVED

APR 16 2003

**SECRETARY OF STATE
ADMINISTRATIVE RULES**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 392.200.2, 392.248, and 392.470.1 RSMo 2000, the Commission amends a rule as follows:

4 CSR 240-31.050 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2160). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—Rules of Department of Economic Development
Division 240—Public Service Commission
Chapter 31—Missouri Universal Service Fund**

RECEIVED
APR 16 2003
SECRETARY OF STATE
ADMINISTRATIVE RULES

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under sections 392.200.2, 392.248, and 392.470.1 RSMo 2000, the Commission amends a rule as follows:

4 CSR 240-31.060 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2, 2002 (27 MoReg 2163-2165). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A hearing was held on January 22, 2003, at 10:00 a.m., in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Oral testimony and written comments were received during the comment period regarding proposed amendment 4 CSR 240-31.060.

COMMENTS: A telephone company recommended a modification to the proposed amendment at Section (5)(B) to clarify the specific revenues that will be utilized to determine an applicable carrier's assessment.

RESPONSE AND EXPLANATION OF CHANGE: Section (5)(B) is changed by deleting the words "appropriate revenues" and replacing it with the term "net jurisdictional revenues."

COMMENTS: A telephone company recommended replacing the words "each telecommunications company in the state except payphone providers, shared tenant service providers, and carriers with annual net intrastate jurisdictional revenues of less than \$24,000 annually" with the term "applicable carrier" in Section (5)(B) since that term is now defined.

RESPONSE AND EXPLANATION OF CHANGE: Section (5)(B) is changed as recommended.

COMMENTS: A telephone company recommended a modification to the proposed amendment at Section (6)(A) to clarify that the surcharge percentage should also be included in the Notice of Assessment provided to applicable carriers.

RESPONSE AND EXPLANATION OF CHANGE: Section (6)(A) is changed by adding a reference to 4 CSR 240-31.060(5)(B). Section (6)(A) is also changed by deleting all proposed language from Section (6)(A) after the word "every" and replacing it with "applicable carrier" since that term is now defined.

4 CSR 240-31.060 Assessments for MoUSF Funding

(5) Determination of Assessments.

(A) The Fund Administrator shall summarize the funding requests from companies serving high cost areas and from companies providing service to low-income customers and disabled customers to calculate a statewide funding requirement for the MoUSF. At the inception of the fund, the Fund Administrator may also make estimates of the funding requirements for those companies whose funding has not been finally determined.

(B) The fund administrator shall submit to the board its determination of the funding requirements, along with its determination of the revenues upon which the assessment shall be made, and the percentage assessment to be made upon the net jurisdictional revenues of each applicable carrier.

(C) The board shall review the Fund Administrator's submission and approve an appropriate percentage assessment to be made upon the applicable revenues to each Missouri telecommunications company to provide funding for the MoUSF.

(6) Notices of Assessments.

(A) Notices of assessment, as determined under 4 CSR 240-31.060(5)(B) above, shall be sent by the fund administrator to every applicable carrier.

(B) Payments shall generally be assessed to be paid on a monthly basis although the Fund Administrator may establish payments on a quarterly or annual basis for those companies where it would be inefficient to collect payments on a monthly basis.