

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

In the Matter of Proposed New Rule 4	)	
CSR 240-3.570 Regarding Eligible	)	
Telecommunications Carrier Designations	)	Case No. TX-2006-0169
for Receipt of Federal Universal Service	)	
Fund Support.	)	

**STAFF SUBMISSION IN RESPONSE TO REQUESTS  
FROM THE MISSOURI PUBLIC SERVICE COMMISSION**

COMES NOW the Staff of the Missouri Public Service Commission ("Staff"), and in response to requests from Commissioners during the public hearing, submits the following:

1. On January 6, 2006, the Commission held a public hearing to receive comments regarding the Commission's proposed new rule 4 CSR 240-3.570 establishing requirements for eligible telecommunications carrier ("ETC") designations.

2. During the public hearing, the Commission directed the Staff to draft language that incorporates certain changes to the proposed rule. In response to the Commission's directive, the Staff drafted the proposed rule changes that are attached and labeled "Exhibit A." Exhibit A consists of proposed rule changes and includes two attachments: Attachment A-1 shows the data the Staff receives from incumbent local exchange carriers for their annual ETC certification; Attachment A-2 shows the data the Staff receives from competitive carriers for their annual ETC certification.

3. During the public hearing, the Commission also directed the Staff to prepare a table showing each section of Chapter 32 of the Commission's rules, and identifying whether each section: 1) should be applicable to wireless providers; 2) may or may not be applicable to wireless providers; or 3) should not be applicable to wireless providers. Attached and labeled

“Exhibit B” is the Staff’s table that breaks down the sections of Chapter 32, and includes Attachment B-1 to Exhibit B, which is a copy of 4 CSR 240-32.

WHEREFORE, the Staff respectfully submits the attached documents in response to requests from the Commission.

Respectfully submitted,

**/s/ Marc Poston**

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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 9th day of January 2006.

**/s/ Marc Poston**

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**Staff's proposed language in response to requests from Commissioners at the hearing on January 6, 2006.**

**Special Construction:**

~~(4012)~~ Service Provisioning Commitment

~~(DC)~~ Once designated as an ETC, a carrier shall extend its network to serve new customers upon a reasonable request. All competitive carriers designated as ETCs shall take the following steps, as applicable, to respond to all reasonable requests for service within its ETC service area.

3. Evaluate the costs and benefits of using high-cost universal service support to serve the number of customers requesting service. Where special conditions or special requirements of the customer involve unusual construction or installation costs, the customer may be required to pay a reasonable proportion of such costs as follows:

A. One (1) mile of facilities to provide the minimum class of service will be provided at no charge;

B. Additional charges will be equal to the difference between the estimated cost of the special type of construction and the estimated cost of standard construction. Charges will include materials, contract services, and loaded labor rates;

C. The customer shall bear unusual maintenance and costs for the special construction. In the case of special construction or special conditions for CMRS construction or installation costs, the customer shall not contribute more than that customer would contribute to the special construction or installation for comparable wireline service at the same location; and

D. To assist in defraying construction costs beyond those of a prudent investment by the company, the customer shall be allowed to pay all or a portion of the construction and installation charges through an arrangement agreeable to the company, the customer, and the commission.

**Clarification and additional information to be submitted with the five year [or two-year] plan:**

(2) Each request for ETC designation shall include:

(B) A ~~five (5)~~ two (2)-year plan demonstrating, with specificity, how high-cost universal service support will be used to improve coverage, service quality or capacity on a wire center-by-wire center basis throughout the service area for which the requesting carrier seeks ETC designation including:

-1. aA detailed map of coverage area before and after improvements, and in the case of CMRS providers, a map identifying existing tower site locations for CMRS cell towers;

2. The specific geographic areas where improvements will be made;

3. The projected start date and completion date for each improvement;

4. The estimated amount of investment for each project that is funded by high-cost support; and

5. The estimated population that will be served as a result of the improvements.

6. If an applicant believes that service improvements in a particular wire center are not needed, it must explain its basis for this determination and demonstrate how funding will otherwise be used to further the provision of supported services in that area.

(C) To demonstrate how high-cost universal service support will be used to improve coverage, service quality or capacity throughout the service area for which the requesting carrier seeks ETC designation, the two year plan will include, but not be limited to:

1. A description of where the requesting carrier is currently providing service in Missouri; and
2. A description of where the requesting carrier currently is authorized to provide service in Missouri, but service is not available from that carrier; and
3. A description of any change in technology as a result of ETC designation (for instance, a change from TDMA to GSM technology, a change from copper facilities to fiber facilities); and
4. The percent of monies received from ETC designation that will be used for infrastructure improvements in Missouri; and
5. The percent of improvements funded by USF monies compared to the percent of improvements funded from a source other than USF monies; and
6. The percent of improvements in Missouri compared to the percent of improvements in other states, if requesting carrier serves in other states.

(24) In addition to the information submitted in Section (23) above, each competitive carrier designated as an ETC must submit to the Telecommunications Department Staff the following information by August 15 of each year.

(A) Competitive carriers designated as ETCs shall submit a two-year improvement plan to include progress updates on its the five two (2)-year improvement plan previously submitted. The two (2)-year improvement plan shall include, with specificity, proposed improvements or upgrades to the carrier's network on a wire center-by-wire center basis throughout its proposed designated service area.

1. A detailed map of coverage area before and after improvements, and in the case of CMRS providers, a map identifying existing tower site locations for CMRS cell towers;
2. The specific geographic areas where improvements will be made;
3. The projected start date and completion date for each improvement;
4. The estimated amount of investment for each project that is funded by high-cost support; and
5. The estimated population that will be served as a result of the improvements.
6. If carrier believes that service improvements in a particular wire center are not needed, it must explain its basis for this determination and demonstrate how funding will otherwise be used to further the provision of supported services in that area.

(D) Competitive carriers designated as ETCs shall submit Aa demonstration that the receipt or high-cost support was only used to improve coverage, service quality or capacity in the Missouri service area in which ETC designation was granted and that such support was only used to cover expenses that were incurred in addition to any expenses the competitive carrier would normally incur; and

(E) To demonstrate how high-cost universal service support will be used to improve coverage, service quality or capacity throughout the service area for which the requesting carrier seeks ETC designation, the two year plan will include, but not be limited to:

1. A description of where the requesting carrier is currently providing service in Missouri; and
2. A description of where the requesting carrier currently is authorized to provide service in Missouri, but service is not available from that carrier; and
3. A description of any change in technology as a result of USF monies (for instance, a change from TDMA to GMS technology, a change from copper facilities to fiber facilities); and
4. The percent of USF monies that will be used for infrastructure improvements in Missouri; and
5. The percent of improvements funded by USF monies compared to the percent of improvements funded from a source other than USF monies; and
6. The percent of improvements in Missouri compared to the percent of improvements in other states, if carrier serves in other states; and
7. A description of how support during the certification period will be used to cover expenses that will be incurred in addition to any expenses the competitive carrier would normally incur.

**Ability to review financial information (including non-ETC related expenses) of ETC carrier:**

Incumbent and competitive local exchange carriers submit financial information related to ETC designation in the annual certification process. They also submit company-specific or Missouri-specific financial information through annual reports filed with the Commission. Staff, in its filed comments, suggested removing the CMRS annual report requirement of the rule (20) because it would request information not related to the ETC designation, and potentially request information not subject to the Commission's jurisdiction. One way to achieve the ability to review the financial information of a CMRS ETC carrier would be to not remove this section. Annual reports could be modeled after ILEC and CLEC reports. Another option would be to modify section (2) as follows:

(2829) Each competitive carrier designated as an ETC, or carrier requesting ETC designation shall promptly furnish such other information as the commission or its staff may reasonably request. Such information shall include, but not be limited to financial information of the company.

**Extending five year [two-year] plan to incumbent local exchange carriers.**

As explained in Staff's written comments, ILECs submit annual certification documentation that USF support was used for the purpose intended. ILECs are "reimbursed" for expenses incurred two years prior. For instance, for the 2006 certification (submitted to USAC and the FCC before October 1, 2005), ILECs submitted expense information from 2004, with a true-up of 2003 expenses. A sample worksheet is included as Attachment 1.

It should be noted that competitive carriers are required by the proposed rule to submit documentation that support is, or will be, used **only to improve coverage, service**

**quality or capacity** in the Missouri service area. A sample worksheet that competitive carriers submit under the Commission's current annual certification process is included as Attachment 2.

In contrast to the CLEC requirements in the proposed rule, ILECs, under the current certification process and under the proposed rule, submit documentation that support is used for the **provision, maintenance and upgrade** of service.

As can be seen by Attachment 1, this documentation consists of totals for various expense accounts related to the USF support calculation. This amount is then compared to the support received for a given period. Through this process, Staff can determine that expenses related to calculating USF support exceed the USF support received.

As Staff witness, Natelle Dietrich testified during the hearing, Staff cannot verify the extent to which ILECs use the support "to improve coverage, service quality or capacity" and further testified that a two-year plan would assist in this review. A two year, forward looking plan would not provide documentation as to the proper use of the support, but would provide Staff and the Commission with an indication of future improvement plans and potential use of USF support. If the Commission would like a two-year plan to supplement the information currently provided during the annual certification process, Staff suggests the following language be added to the proposed rule:

(24)(F) Incumbent local exchange carriers shall submit a two (2)-year plan, to include progress updates on the two (2)-year plan previously submitted. Such two (2)-year plan shall include, but not be limited to:

1. A description of any change in technology as a result of USF monies (for instance, a change from copper facilities to fiber facilities); and
2. A description of any infrastructure improvements in Missouri;
3. The estimated amount of investment for each project that is funded by high-cost support;
4. An estimate of the percent of monies received from USF support that will be used for infrastructure improvements in Missouri.
4. The specific geographic areas where improvements will be made;
5. The projected start date and completion date for each improvement; and
6. The estimated number of access lines that will be served as a result of the improvements.

**Staff's recommendation to expand competitive ETC requirements to ILECs for competitive neutrality of the proposed ETC rule.**

Staff has identified the following rule discrepancies that will need clarification if the Commission expands competitive ETC requirements to ILECs.

Staff recommends a generic statement be added to 4 CSR 240-3.570 to clarify that in the even there is a discrepancy for ILECs or CLECs between 4 CSR 240-3.570 and another commission rule, the other commission rule contains the applicable requirement.

Staff suggests the proposed rule be modified as follows for consistency:

(78) Each request for ETC designation shall include a statement that the requesting carrier acknowledges it shall provide equal access if all other ETCs in that service area relinquish their designations pursuant to section 214(e) or the Telecommunications Act of 1996 **and 4 CSR 240-32.100(3) and (4)** [and if so ordered by this commission].

(18)(A) The company shall acknowledge receipt of inquiries related to denial or discontinuance of service issues within ~~24 hours~~ one (1) business day;

(22) Each ~~competitive carrier designated as an ETC~~ shall, within **ten (10)** [thirty (30)] days of a change in the company-designated contacts...

**Test for USF Certification**  
**Study Area : Company Name**

For the Following Lines, use Data From the  
Previous Year's "- 1" Filing

WORKING LOOPS	LINE	
1. Total Loops	(060)	9,552
2. Category 1.3 Loops	(070)	9,262
INVESTMENT		
1. Plant Accounts		
a. Acct 2001	(160)	26,978,955
2. Selected Plant Accounts		
a. Acct 2210	(230)	5,247,838
b. Acct 2220	(235)	0
c. Acct 2230	(240)	5,962,811
d. Total Central Office Equip	(245)	11,210,649
e. Circuit Equip Cat 4.13	(250)	4,061,618
f. Acct 2410	(255)	13,819,015
AMORTIZABLE TANGIBLE ASSETS		
Acct. 2680 Tot Assets	(800)	0
Acct. 2680 (2230) COE Trans	(805)	0
Acct. 2680 (Cat. 4.13) COE Trans	(810)	0
Acct. 2680 (2410) Total CWF	(815)	0
Acct. 2680 (2410) CWF-Cat 1	(820)	0
Acct. 6560 (2680) Dep & Amort	(830)	0
PART 36 - COST STUDY DATA		
1. Cost Study Avg C&WF Acct 2410	(700)	11,811,817
2. Cost Study Avg C&WF Cat 1	(710)	11,718,782
3. C&WF CAT 1 Factor		0.992124
4. COE CAT 4.13 Factor		0.362300

For the Following Lines, Use Gross Additions  
for Plant and Annual Amounts for Expenses  
for the Test Year

INVESTMENT, EXPENSE AND TAXES	LINE	
1. Selected Plant Accounts		
a. Acct 2230	(240)	198,228
b. Total Central Office Equip	(245)	480,061
c. Acct 2410 (Total)	(255)	436,274
2. Expenses - Plant Specific Exp		
a. Acct 6110	(335)	12,628
b. Acct 6110 (benefits)	(340)	1,362
c. Acct 6110 (rents)	(345)	256
d. Acct 6120	(350)	211,447
e. Acct 6120 (benefits)	(355)	8,068
f. Acct 6120 (rents)	(360)	15,114
g. Acct 6210	(365)	236,427
h. Acct 6210 (benefits)	(370)	36,157
i. Acct 6210 (rents)	(375)	2,922
j. Acct 6220	(380)	0
k. Acct 6220 (benefits)	(385)	0
l. Acct 6220 (rents)	(390)	0
m. Acct 6230	(395)	108,923
n. Acct 6230 (benefits)	(400)	14,821
o. Acct 6230 (rents)	(405)	1,222
p. (sum of lines 365+380+395)	(410)	345,350
q. Acct 6410	(430)	882,320
r. Acct 6410 (benefits)	(435)	124,429
s. Acct 6410 (rents)	(440)	63,079
t. Total 6110 - 6410	(445)	1,451,745
3. Expenses - Plant Non Specific Exp		
a. Acct 6530	(450)	287,767
b. Acct 6530 (benefits)	(455)	45,519
4. Depreciation & Amortization Exp		
a. Acct 6560(2210)	(510)	382,435
b. Acct 6560(2220)	(515)	0
c. Acct 6560(2230)	(520)	297,063
d. Acct 6560(2210-2230)	(525)	679,498
e. Acct 6560(2410)	(530)	677,375
5. Corporate Operating Expenses		
a. Acct 6710	(535)	73,579
b. Acct 6710 (benefits)	(540)	17,078
c. Acct 6720	(550)	428,472
d. Acct 6720 (benefits)	(555)	46,933
e. (sum of lines 535+550)	(565)	502,051
6. Other Expenses and Revenues		
a. Benefits Portion	(600)	425,974
b. Rents Portion	(610)	82,594
7. Taxes		
a. Acct 7200	(650)	1,073,834

Test for use of USF

CAPITAL:	
1. Category 1 C&WF	432,838
2. Category 4.13 COE	135,025
MAINTENANCE:	
3. CWF - MAINT. EXP.	689,340
4. COE - MAINT. SW	71,499



***Test for USF Certification***  
***Study Area : Company Name***

5. COE - MAINT-OP SYSTEM	0
6. COE - MAINT. - TRANS.	33,650
7. CWF - NETWORK SUPPORT	5,595
8. COE - NETWORK SUPPORT	1,658
9. CWF GENERAL SUPPORT	95,673
10. COE GENERAL SUPPORT	28,343
20. CWF NETWORK OPERATION	123,106
21. COE NETWORK OPERATION	36,470
22. CWF EXEC. & PLANNING	28,713
23. COE EXEC. & PLANNING	8,506
24. CWF GENERAL ADMIN.	193,891
25. COE GENERAL ADMIN.	57,440
26. CWF OPERATING TAXES	545,701
27. COE OPERATING TAXES	161,663
28. CWF BENEFITS - TTL OPER EXP	216,472
29. COE BENEFITS - TTL OPER EXP	64,129
30. CWF RENTS - TTL OPER EXP	41,973
31. COE RENTS - TTL OPER EXP	12,434
A. Total Cash Expenditures Associated with Loop	2,984,117
B. USF Receipts	820,931

**USF Analysis - 2003-2**  
**Study Area :**

G/L BAL

- 1. Net Plant Investment
- 3. Expenses - Plant Specific Exp
- 4. Plant Non Specific Expense
- 5. Customer Operations Expense
- 6. Depreciation & Amortization Exp
- 7. Corporate Operating Expenses
- 8. Other Expenses and Revenues
- 9. Taxes

Monthly USF Payments

Annualized USF Payments

Chapter 32 - Telecommunications Service				
Section #	Section description	Should be applicable to CMRS	May or May Not be applicable to CMRS	Should not be applicable to CMRS
32.010	General Provisions			
1.000			language clearly applicable to wireline. Last sentence states purpose that could be applied to all carriers, including CMRS: <b>Their purpose is to establish reasonable service standards so that safe and adequate service will be rendered to the public.</b>	
2 and 3		includes ability to request waiver of rules and includes a statement companies are not relieved from other duties and rules		(14) Exchange, (15) ILEC, (17) IXC, (18) IXC service, (20-22) references definitions in 386.020, (20) message rate service, (28) non-published number, (32) pay telephone, (34) STS, (43) tariff, (48) unlisted number
32.020	Definitions		all definitions not included in "should not be applicable to CMRS" column may have a CMRS equivalent term.	
32.030 (Rescinded April 30, 2003)	Records and Reports	not applicable		

	<b>Metering, Inspections and Tests</b>	all sections provide for metering, inspection and testing of equipment and routine maintenance and troubleshooting.		
	<b>32.040</b>			
	<b>32.050 Customer Services</b>			
1.000		make available informational filing or information on services		
2.000		provide a business office or toll-free number in area		
3.000		provide information in response to customer inquiry including: service information, maps of boundaries, service areas, publicly announced plans for change in service availability, quality or rates.		
4.000				publish telephone directories
5.000				call intercept when customer phone number changed after directory published
6.000	when changes in equipment require change in telephone numbers, company gives affected customers 60 days notice.			
	<b>Engineering and Maintenance</b>			
	<b>32.060</b>			
1.000		facilities shall be designed, constructed, maintained and operated in accordance with safety standards		
2.000				circuits shall be full metallic or equivalent (microwave, other)
3.000				grounded circuits not permitted except in limited circumstances

4.000				loops and trunks shall be equivalent to transmission design for modern network
5.000		company shall make reasonable efforts to meet emergencies resulting from natural disasters, unusual traffic, including battery backup requirements		
6.000		each company shall adopt and pursue a maintenance program aimed at achieving efficient operation		
7.000		each company shall adopt a program of periodic tests, inspections and preventive maintenance		
8.000		each company shall monitor the performance of the network to determine if established objectives and operating requirements are met		
9.000		in the event of service interruption for work to be performed, interruption shall be minimal and customers will be notified to extent possible		
10.000		requires proper grounding of facilities		specific requirements for outside plant (access line loops)
11.000				(A-G) requires company to investigate and pursue corrective action for any fault that affects cable pair
12.000		(H) requires company to investigate and pursue corrective action for any other fault that affects or may contribute to service degradation		specific attributes
13.000				transmission loss on trunks
14.000				transmission loss on trunks
15.000			standards for buried cable	
16.000				standards for network interface device (NID)

		all sections provide for quality service, prudent management and engineering standards, routine testes, commitments for installation or repair, customer trouble reports, emergency trouble report procedures		
<b>32.070</b>	<b>Quality of Service</b>			
<b>32.080</b>	<b>Service Objectives and Surveillance Levels</b>			
1.000		monthly measurements to determine level of service		
2.000		maintain service objective levels		
3.000		customer call answering times		
4.000		what constitutes a separate trouble report		
5.000		(A-D) service objectives, surveillance levels; (H) customer trouble report frequency and clearing time.		(E-G) related to switched call service objectives
	<b>Connection of Equipment and Inside Wiring to the Telecommunications Network</b>		all sections allow company to temporarily disconnect service when customer-specific equipment causes harm to network	
<b>32.090</b>	<b>Network</b>			
	<b>Provision of Basic Local and Interexchange Telecommunications Service</b>			
<b>32.100</b>	<b>Service</b>			
1.000		minimum elements for basic local and IXC service - applies to the extent that CMRS equipment and service can be substituted for references to basic local and IXC service and equipment.	applies to the extent CMRS allows access to IXC	
2.000				

3.000			applies if Staff's recommended changes to 4 CSR 240-3.570(8) are incorporated in rule	
4.000			applies if Staff's recommended changes to 4 CSR 240-3.570(8) are incorporated in rule	
5.000				only applies to modernization plans under TO-93-309
6.000		allows Commission to waive portions of the the rule for good cause		
32.110	<b>Surety Bonding Requirements for Basic Local Telecommunications Companies (Rescinded December 30, 2000)</b>	not applicable		
	<b>Snap-Back Requirements for Basic Local Telecommunications Companies</b>		all sections apply to resold services so may apply to the extent CMRS resells service to meet customer request or need	
32.130	<b>General Provisions---Prepaid Interexchange Calling Services</b>			only applies to prepaid interexchange calling
32.140	<b>Definitions---Prepaid Interexchange Calling Services</b>			only applies to prepaid interexchange calling
32.150	<b>Qualifications for and Responsibilities of the Prepaid Calling Services</b>			only applies to prepaid interexchange calling

	<b>Customer Disclosure</b>			only applies to prepaid interexchange calling
32.160	<b>Requirements</b>			only applies to prepaid interexchange calling
32.170	<b>Standards for Prepaid Calling Service</b>			
	<b>Definitions---Caller Identification Blocking</b>		applies to the extent CMRS can block caller ID for law enforcement situations	
32.180	<b>Service</b>		applies to the extent CMRS can block caller ID for law enforcement situations	
	<b>Standards for Providing Caller Identification Blocking</b>			
32.190	<b>Service</b>			
	<b>General Provisions for the Assignment, Provision and Termination of 211 Service</b>	should apply to the extent CMRS providers are 211 information and Referral Services Providers for an area.		
32.200	<b>Termination of 211 Service</b>			





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**Rules of**  
**Department of Economic**  
**Development**  
**Division 240—Public Service Commission**  
**Chapter 32—Telecommunications Service**

Title	Page
4 CSR 240-32.010 General Provisions .....	3
4 CSR 240-32.020 Definitions .....	3
4 CSR 240-32.030 Records and Reports (Rescinded April 30, 2003) .....	4
4 CSR 240-32.040 Metering, Inspections and Tests .....	4
4 CSR 240-32.050 Customer Services .....	5
4 CSR 240-32.060 Engineering and Maintenance .....	6
4 CSR 240-32.070 Quality of Service .....	7
4 CSR 240-32.080 Service Objectives and Surveillance Levels .....	8
4 CSR 240-32.090 Connection of Equipment and Inside Wiring to the Telecommunications Network .....	9
4 CSR 240-32.100 Provision of Basic Local and Interexchange Telecommunications Service .....	10
4 CSR 240-32.110 Surety Bonding Requirements for Basic Local Telecommunications Companies (Rescinded December 30, 2000) .....	10
4 CSR 240-32.120 Snap-Back Requirements for Basic Local Telecommunications Companies .....	10
4 CSR 240-32.130 General Provisions—Prepaid Interexchange Calling Services .....	11
4 CSR 240-32.140 Definitions—Prepaid Interexchange Calling Services .....	11
4 CSR 240-32.150 Qualifications for and Responsibilities of the Prepaid Calling Services .....	11
4 CSR 240-32.160 Customer Disclosure Requirements .....	12
4 CSR 240-32.170 Standards for Prepaid Calling Service .....	12



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<b>4 CSR 240-32.180</b>	Definitions—Caller Identification Blocking Service .....	12
<b>4 CSR 240-32.190</b>	Standards for Providing Caller Identification Blocking Service .....	13
<b>4 CSR 240-32.200</b>	General Provisions for the Assignment, Provision and Termination of 211 Service .....	13



**Title 4—DEPARTMENT OF  
ECONOMIC DEVELOPMENT  
Division 240—Public Service  
Commission  
Chapter 32—Telecommunications  
Service**

**4 CSR 240-32.010 General Provisions**

*PURPOSE: This rule sets forth the applicability of the rules comprising Chapter 32.*

(1) This rule and the other rules comprising Chapter 32 shall apply to any telecommunications company, except for private shared tenant service providers and private pay telephone service providers, operating within the state of Missouri and under the jurisdiction of the Public Service Commission. These rules govern the furnishing of telecommunications service and facilities to the public. Their purpose is to establish reasonable service standards so that safe and adequate service will be rendered to the public.

(2) For good cause, application may be made to the commission for the modification of any rule in Chapter 32 or for temporary or permanent exemption from its requirements.

(3) The rules comprising Chapter 32 shall not relieve any company from any of its duties under the laws of this state or from any other rules of this commission. A utility shall adopt rules governing its relations with customers and applicants for service which are consistent with this chapter. All telecommunications companies shall be in compliance with this chapter within six (6) months after the effective date of this rule and shall notify the commission of such compliance.

*AUTHORITY: sections 386.040, RSMo 1994 and 386.250, 386.310, and 392.200, RSMo Supp. 1998.\* Original rule filed Dec. 11, 1975, effective Dec. 23, 1975. Rescinded and readopted: Filed Jan. 5, 1999, effective Sept. 30, 1999.*

*\*Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; 386.310, RSMo 1939, amended 1979, 1989, 1996; and 392.200, RSMo 1939, amended 1987, 1988, 1996.*

**4 CSR 240-32.020 Definitions**

*PURPOSE: This rule defines terms used in the rules comprising this chapter.*

(1) Access line—an analog line or a digital voice-grade equivalent line used to connect

an end-user to a company's central office. Voice-grade equivalent should be considered as each channel available for voice traffic on a high capacity line. One (1) high capacity line equipped with twenty-four (24) voice-grade channels will be considered twenty-four (24) access lines.

(2) Automated dialing—announcing device—any automated equipment which, when attached to a telephone line, is capable of initiating calls on the telephone network; has storage capability for multiple numbers to be called or has a random or sequential number generator that produces numbers to be called; and working alone or in conjunction with other equipment, is capable of transmitting a prerecorded message to the station called.

(3) Base rate area—an area within an exchange as specified in the telecommunications company's tariffs and maps, within which each class of basic local telecommunications service is furnished at a uniform rate without the application of mileage or zone charges.

(4) Basic local telecommunications company—any incumbent or competitive local exchange telecommunications company which provides basic local telecommunications service as defined in section 386.020(4), RSMo.

(5) Basic local telecommunications service—basic local telecommunications service as defined in section 386.020(4), RSMo.

(6) Blockage—when a call has been attempted but was not completed, as a result of a network failure or busy central office equipment.

(7) Call—a customer's attempted telecommunications transmission whether completed or not.

(8) Central office—the facility housing one (1) or more switching units in a telecommunications system which provides service to the general public and has the necessary equipment and operating arrangements for terminating and interconnecting customer lines and trunks or trunks only.

(9) Channel—a path for telecommunications between two (2) or more stations or central offices, furnished in any manner the carrier may elect.

(10) Class of service—the type of service being provided to the customer such as residential or business service.

(11) Customer—any individual, firm, partnership, corporation, municipality, cooperative, organization, governmental agency, or other entity that accepts financial and other responsibilities in exchange for telecommunications service.

(12) Customer provided equipment (CPE)—terminal equipment connected to the telephone network which is owned by the user or leased from a supplier.

(13) Customer trouble report—all oral or written communication from a customer or user of telecommunications service relating to a defect or a specific difficulty encountered in connection with the operation of a company's facilities.

(14) Exchange—exchange as defined in section 386.020(16), RSMo.

(15) Incumbent local exchange telecommunications company—incumbent local exchange telecommunications company as defined in section 386.020(22), RSMo.

(16) Intercept service—a service arrangement provided by a company where calls placed to a nonworking telephone number are intercepted and the calling party is informed that the called telephone number is not in service or has been changed.

(17) Interexchange telecommunications company—interexchange telecommunications company as defined in section 386.020(23), RSMo.

(18) Interexchange telecommunications service—interexchange telecommunications service as defined in section 386.020(24), RSMo.

(19) Interoffice trunk—a type of line that generally carries aggregated telecommunications traffic and is ordinarily extended between two (2) switching units.

(20) InterLATA telecommunications service—interLATA telecommunications service as defined in section 386.020(25), RSMo.

(21) IntraLATA telecommunications service—intraLATA telecommunications service as defined in section 386.020(26), RSMo.



(22) LATA or local access and transportation area—LATA or local access and transportation area as defined in section 386.020(29), RSMo.

(23) Line—a general term used in the telecommunications industry in several different senses, the most common of which are access line, trunk, channel and route.

(24) Local calling scope—the geographic area 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.

(25) Long distance service—includes at a minimum, two-way switched voice service between points in different local calling scopes as determined by the commission.

(26) Message—a completed call.

(27) Message rate service—a basic local telecommunications service in which originated local messages are measured and billed for on the basis of the number and/or duration of messages, or as defined in a tariff approved by the commission as of the effective date of this rule.

(28) Nonpublished telephone number—a telephone number which is not listed in the paper phone directories but which is listed with dial-up Directory Assistance.

(29) Operator assisted calls—a telecommunications service using either human or automated call intervention that is initiated by dialing solely on a “0-” basis.

(30) Out-of-service—an out-of-service condition exists when a customer reports or a test reveals the customer has lost the ability to originate or receive a call.

(31) Outside plant—the telecommunications wires, cable, equipment and facilities installed along, over or under streets, alleys, highways or private rights-of-way between the central office and customers’ premises or between central offices.

(32) Pay telephone—a coin or non-coin telephone installed for use by the general public from which calls can be paid for at the time they are made by means of coins, tokens, credit cards, debit cards or a billing to an alternate number.

(33) Person—person as defined in section 386.020(39), RSMo.

(34) Private shared tenant services—private shared tenant services as defined in section 386.020(40), RSMo.

(35) Rate—rate as defined in section 386.020(45), RSMo.

(36) Service—service as defined in section 386.020(47), RSMo.

(37) Service objective—an acceptable level of service for an established category of service as identified in 4 CSR 240-32.080. Service objectives should be maintained on an exchange-specific basis or as otherwise monitored according to 4 CSR 240-32.080.

(38) Station—a point of input to or output from the network, including a telephone instrument or other terminal device.

(39) Subsequent trouble report—a trouble report received for the same access line for trouble already reported but not yet cleared.

(40) Surveillance level—a substandard level of performance for an established category of service as identified in 4 CSR 240-32.080. A company whose service falls within a surveillance level shall immediately investigate and take appropriate corrective action to achieve and maintain the commission’s service objective.

(41) Switching—a generic term for machines that switch telephone calls from/to other telephones or trunks.

(42) Tandem—a central office where trunks are interconnected to transmit telecommunications traffic between other central offices.

(43) Tariff—a schedule of rates, services and rules approved by the commission.

(44) Telecommunications company—telecommunications company as defined in section 386.020(51), RSMo.

(45) Telecommunications facilities—telecommunications facilities as defined in section 386.020(52), RSMo.

(46) Telecommunications service—telecommunications service as defined in section 386.020(53), RSMo.

(47) Traffic—telecommunications volume, based on number of calls and duration of messages.

(48) Unlisted telephone number—a telephone number which is not listed in the paper phone

directories and is not given out to callers to Directory Assistance.

(49) Unusual repair—unusual repair exists when restoration is prohibited by an external element that is beyond the control of the company. Lack of material and manpower does not constitute unusual repair unless specifically requested by a company and approved by the commission staff to address a unique situation or condition.

*AUTHORITY: sections 386.040, 386.250 and 386.310, RSMo 2000 and 392.200, RSMo Supp. 2003\*. Original rule filed Dec. 11, 1975, effective Dec. 23, 1975. Amended: Filed Dec. 12, 1977, effective July 13, 1978. Amended: Filed July 13, 1978, effective Jan. 13, 1979. Amended: Filed Aug. 13, 1984, effective Nov. 15, 1984. Rescinded and readopted: Filed Jan. 5, 1999, effective Sept. 30, 1999. Amended: Filed Oct. 30, 2003, effective June 30, 2004.*

*\*Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; 386.310, RSMo 1939, amended 1979, 1989, 1996; and 392.200, RSMo 1939, amended 1987, 1988, 1996, 2003.*

#### 4 CSR 240-32.030 Records and Reports (Rescinded April 30, 2003)

*AUTHORITY: sections 386.040, RSMo 1994 and 386.250, 386.310 and 392.200, RSMo Supp. 1998. Original rule filed Dec. 11, 1975, effective Dec. 23, 1975. Amended: Filed Aug. 13, 1984, effective Nov. 15, 1984. Rescinded and readopted: Filed Jan. 5, 1999, effective Sept. 30, 1999. Rescinded: Filed Aug. 16, 2002, effective April 30, 2003.*

#### 4 CSR 240-32.040 Metering, Inspections and Tests

*PURPOSE: This rule provides for the metering, inspection and testing of telecommunications equipment for routine maintenance and for troubleshooting.*

(1) Each telecommunications company shall possess or have access to test equipment that will enable it to detect faults and maintain its outside plant facilities and switching equipment in a safe and adequate operating condition.

(2) When mechanical or electronic recording devices are used by a company in connection with usage sensitive telecommunications service, the meter reading data and related customer records from which the customers’



bills are prepared shall show an identifying number or means to determine readily the customer's name, address and service classification; meter readings; date of meter readings; and multiplier or constant, if used.

(3) As nearly as practicable, meters shall be read at intervals to correspond to customer billing periods.

(4) Each company furnishing telecommunications service, where billing is based on the number and/or duration of messages, shall provide or contract for the provision of the necessary facilities, instruments and equipment for testing its metering or recording equipment. The overall accuracy of the test equipment and test procedure shall be sufficient to ensure that the meters and recording equipment meet the requirements of these rules.

(5) All meters and recording devices which record data used to prepare customers' bills shall be in good mechanical and electrical condition and shall be accurately read. All meters and recording devices shall accurately perform the following:

(A) For message rate service, where timing the length of message is not involved, the meter and recording device shall show the number of messages sent by the station which it is measuring;

(B) For local measured or long distance service, when in addition to recording the message it is necessary to time the message, the recording device shall show the number of messages, the chargeable time of each message and the telephone number of the originating station. Where a meter is associated with the originating station, the meter shall accumulate the number of message units applicable to each message; and

(C) Where the recording equipment provides coded information that is used to automatically prepare customers' bills, accurate interpretation of such coded information is required.

(6) Tests on meters and recording equipment shall be made as follows:

(A) Every meter and recording device shall be tested for accuracy when released for service;

(B) All meters and recording devices, whether tested routinely or upon complaint, shall be tested in their normal operating location and wiring mode prior to removal or adjustment;

(C) Each company shall perform testing and maintenance of its controlling trunk equipment associated with meters and record-

ing devices to ensure the integrity of their operation. Testing and maintenance shall also be performed on meters and recording devices to ensure accuracy in their operation; and

(D) Upon request of any customer, a company shall make a test of any specific meter or recording device related to a customer's service. If a customer requests that tests be made more often than once in twelve (12) months, and if the tariff allows, a service charge may be imposed for additional tests if no fault is found.

(7) All meter and recording equipment tests, adjustments and other data shall be recorded to allow review of the results. The record shall include the identifying number and type of the meter and/or recording device, the date and kind of test and the results of each test.

*AUTHORITY: sections 386.040, RSMo 1994 and 386.250, 386.310 and 392.200, RSMo Supp. 1998.\* Original rule filed Dec. 11, 1975, effective Dec. 23, 1975. Rescinded and readopted: Filed Jan. 5, 1999, effective Sept. 30, 1999.*

*\*Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; 386.310, RSMo 1939, amended 1979, 1989, 1996; and 392.200, RSMo 1939, amended 1987, 1988, 1996.*

#### 4 CSR 240-32.050 Customer Services

*PURPOSE: This rule prescribes the services to be provided the customers of a telecommunications company in regard to public information.*

(1) Upon application for telecommunications service or upon request from an existing customer, a company shall make available the related portion of its approved tariff and a reasonable explanation of the tariff to assist the customer or applicant in determining which services will meet a customer's needs at the lowest overall cost. This information will clearly itemize each installation and connection charge, each ongoing service charge, and rates for each applicable service the company provides.

(2) Each company providing basic local telecommunications service shall provide in each exchange either a business office open to the public or a toll-free telephone number, or both, through which customers and applicants have access to qualified personnel to make application for service, receive explanations of rates and charges, address billing errors, and bring general customer service

matters to the company's attention. Either a business office open to the public or a toll-free telephone number must be provided for customers to report emergency problems twenty-four (24) hours a day, seven (7) days a week.

(3) Each company providing basic local telecommunications service shall provide the following information to customers and applicants upon reasonable request:

(A) The portion of the company's approved tariff that relates to an inquiry concerning the customer's or applicant's existing or proposed service;

(B) A map showing the exchange, base rate area and zone boundaries, if applicable, together with an area of detail in which the inquiring customer's or applicant's location and any applicable mileage or zone charges can be determined; and

(C) Any publicly announced plans or filed applications for changes in service availability, service quality or rates for service.

(4) Each company furnishing basic local telecommunications service shall publish or contract to publish telephone directories at regular intervals and shall provide or contract to provide directory assistance as follows:

(A) Directories shall list the names of all customers, their most definitive addresses, if available, and their telephone numbers. Exceptions to directory listings are pay telephones, mobile telephones, and telephone service unlisted or nonpublished at the customer's request. Listings for secondary numbers may be excepted from the address requirements. The address may be omitted from directories if requested by the customer;

(B) Upon issuance, a copy of the applicable directory shall be distributed by the basic local telecommunications company to its customers served by that directory and two (2) copies of such directories shall be furnished to the commission and one (1) copy to the Office of the Public Counsel;

(C) The name of the company, an indication of the area included in the directory and the month and year of issue shall be displayed prominently on the outside, front cover of each directory. Information pertaining to emergency calls (police, fire, etc.) and location of the company's public business office or related toll-free number shall appear conspicuously in the front part of the directory pages;

(D) The directory shall contain instructions for utilizing the Telecommunications Relay Service, and for placing local and long distance calls, calls for repairs and directory



assistance and calls to the company's business office appropriate to the area served by the directory. The directory shall also include the address and telephone number of the Public Service Commission and its consumer services department, and the address and telephone number of the Office of the Public Counsel;

(E) The company shall list its customers with directory assistance except for customers with unlisted numbers so that requested telephone numbers can be provided based on customers' names and their addresses, if available. The customer's number shall be available through directory assistance within three (3) working days after the time the customer's service becomes operational;

(F) In the event of an error in the telephone number of any customer listed in the directory, the company shall intercept all calls to the listed number for a reasonable period of time provided existing central office equipment will permit, and the number is not a working number. Interception shall begin within three (3) working days after the error is discovered and shall give the calling party the correct number. In the event of an error or omission in any customer information in the directory, such customer information shall be corrected in the files of the directory assistance within three (3) working days after the error is discovered; and

(G) The company shall disclose the conditions under which the customer's name or telephone number or both, when designated as "nonpublished" or "unlisted," will be made available to the public. The disclosure shall indicate whether caller ID will display "nonpublished" or "unlisted" customer names and/or telephone numbers without the caller affirmatively blocking this information. The directory shall also advise customers how to block unlisted and unpublished numbers.

(5) Whenever any customer's telephone number is changed after a directory is published, the company providing basic local telecommunications service shall intercept all calls to the former number for a reasonable period of time and give the calling party the new number, provided existing central office equipment will permit and the customer so requests.

(6) When additions or changes in plant or changes to other operations require that a company change telephone numbers of a group of customers, the company shall give notice by direct mail or bill insert to all affected customers at least sixty (60) days prior to the effective date of the change, even

though the additions or changes may be coincident with a directory issue.

*AUTHORITY: sections 386.040, RSMo 1994 and 386.250, 386.310 and 392.200, RSMo Supp. 1998.\* Original rule filed Dec. 11, 1975, effective Dec. 23, 1975. Rescinded and readopted: Filed Jan. 5, 1999, effective Sept. 30, 1999.*

*\*Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; 386.310, RSMo 1939, amended 1979, 1989, 1996; and 392.200, RSMo 1939, amended 1987, 1988, 1996.*

#### 4 CSR 240-32.060 Engineering and Maintenance

*PURPOSE: This rule prescribes the standards for design, construction and operation of telecommunications facilities.*

(1) Telecommunications facilities shall be designed, constructed, maintained and operated in accordance with the provisions outlined in the safety standards rule of the commission set forth in 4 CSR 240-18.010.

(2) Trunk circuits shall be full metallic or equivalent (for example, microwave, carrier, etc.).

(3) Grounded circuits will not be permitted except for signaling purposes and party line identification.

(4) All access line loops and trunk facilities shall be compatible with the transmission design factors required for a modern telecommunications network.

(5) Each company shall make reasonable provisions to meet emergencies resulting from lightning or power service failures, unusual and prolonged increases in traffic, absence of personnel, fire, storm or other natural disasters and shall inform its employees of procedures to be followed in the event of emergency in order to prevent or minimize interruption or impairment of telecommunications service. Each central office shall contain as a minimum three (3) hours of battery reserve. In each office without installed emergency power facilities, there shall be a mobile power unit available which can be delivered and connected on short notice. In each central office, other than a controlled environmental vault, serving more than five thousand (5,000) lines, a permanent auxiliary power unit shall be installed.

(6) Each company shall adopt and pursue a maintenance program aimed at achieving efficient operation of its system to provide for safe and adequate service at all times. Maintenance shall include proper repair and adjustment of all facilities and equipment, for example:

(A) Broken, damaged or deteriorated parts which are no longer serviceable shall be repaired or replaced;

(B) Adjustable apparatus and equipment shall be readjusted when in an unsatisfactory operating condition; and

(C) Electrical faults, such as leakage or poor insulation, noise induction, cross talk or poor transmission characteristics shall be corrected to meet the commission standards set forth in this rule.

(7) Each company shall adopt a program of periodic tests, inspections and preventive maintenance aimed at achieving efficient operation of its system and rendering safe and adequate service to its customers.

(8) Each company shall monitor the actual transmission performance of the network to determine if the established objectives and operating requirements are met. This monitoring function shall consist of circuit order tests prior to placing trunks in service, routine periodic trunk maintenance tests, tests of actual switched trunk connections, periodic tests of a sample of access line loops in each exchange for noise and electrical faults, and special transmission surveys of the network.

(9) In the event that service must be interrupted for purposes of working on the lines or equipment, the work shall be done in a manner which will cause minimal inconvenience to customers, except in emergency situations. Each company shall attempt to notify each affected customer in advance of an extended interruption. Each company shall make every effort to accommodate emergency services and customers with extraordinary needs.

(10) On a going-forward basis, each telecommunications company shall bond and ground its facilities to the multigrounded neutral wire of the company providing electricity. If vertical (pole) ground wires have not been strategically placed, at the beginning or end of power exposures or where power company equipment is located, the telecommunications company should coordinate with the power company to have those vertical neutral ground wires placed. Each telecommunications company shall be prepared and properly equipped to measure ground connections to ensure that the bonds and grounds are



functional. As appropriate, connections shall be measured with proper test equipment. All construction, removal, and maintenance work will at all times comply with the current editions of the *National Electric Safety Code* and the *National Electric Code*.

(11) Each company shall maintain the following specifications for its outside plant:

(A) Access line loops shall not have a loop resistance that exceeds the operating design of the connected central office equipment. Loop resistance greater than the design of the central office equipment shall have long line adapters, voice frequency repeaters or other special equipment. Subscriber loops not served by analog or digital carrier technologies shall maintain a minimum of twenty-three (23) milliamperes of loop current when measured at the customer's premises;

(B) Transmission loss of access line loops shall not exceed eight and five-tenths (8.5) decibels when measured at one thousand (1,000) hertz. Loops that are measured with more loss shall be corrected to a maximum loss of eight and five-tenths (8.5) decibels; and

(C) Where inductive loading is necessary, loading procedures shall conform to industry standards for forty-four (44), sixty-six (66) or eighty-eight (88) millihenry load coil spacings.

(12) Each company shall investigate and pursue corrective action for the following faults on working cable pairs when they are detected with the customer's equipment disconnected:

(A) A leakage tip to ring, tip to ground or ring to ground of forty thousand (40,000) ohms of resistance or less;

(B) An imbalance between the tip and ring of a cable pair of ten percent (10%) or more when measured from the central office with a cable analyzer;

(C) A balance reading below sixty (60) decibels with reference to noise with C-message weighting (dBrnC), measured by a noise measuring test set, where the noise metallic reading is subtracted from the power influence when the power influence reading is over seventy (70) dBrnC;

(D) Voltage of ten (10) volts direct current (DC) or more on either side of a dry cable pair when measured from the central office;

(E) A power influence reading of ninety (90) dBrnC or more on the cable pair when measured from the central office;

(F) A noise metallic reading of thirty (30) dBrnC or more on the cable pair when measured from the central office;

(G) An alternating current voltage on the tip or ring to ground of more than fifty (50) root mean square volts; and

(H) Any other fault that affects or may contribute to service degradation.

(13) Transmission loss on trunks that only carry traffic within a local calling scope shall not exceed six (6) decibels of loss.

(14) Transmission loss on trunks that carry long distance traffic shall not exceed four (4) decibels of loss.

(15) The following are requirements for placement of buried cable:

(A) Buried telephone feeder and distribution cable shall be placed at a minimum depth of twenty-four inches (24") unless the company determines that good cause could be shown;

(B) Buried drop cable shall be placed at a minimum depth of twelve inches (12") unless the company determines that good cause could be shown;

(C) Trenching and plowing of cable shall be performed in such a way as to prevent unnecessary damage to private and public property;

(D) When it is necessary to plow or trench cable across private land, a company shall obtain permission or easement (written, if possible) from the owner before the work is performed; and

(E) When performing any work that endangers other companies' buried utility facilities, telecommunications companies shall fully comply with *Missouri Revised Statutes*, Chapter 319, sections 319.010 through 319.075.

(16) When there is no available existing network interface device, a company shall install a network interface device when service is installed if installation requires a premises visit. If a premises visit is not required, then the company shall install a network interface device when existing service locations are next visited by company service personnel under normal conditions. At those locations where a network interface device has not been installed or is not accessible to the customer, the company shall not charge a trouble isolation fee even if the trouble is on the customer's side of the protector unless the company's approved tariff provides otherwise as of the effective date of this rule. However, if the customer refuses, and signs a refusal, to allow placement of a network interface device on the outside of a premises, the company may charge the customer for isolating the

trouble when the cause of the trouble is found inside the premises.

*AUTHORITY: sections 386.040, RSMo 1994 and 386.250, 386.310 and 392.200, RSMo Supp. 1998.\* Original rule filed Dec. 11, 1975, effective Dec. 23, 1975. Amended: Filed Nov. 12, 1976, effective May 20, 1977. Amended: Filed March 15, 1978, effective Oct. 2, 1978. Rescinded and readopted: Filed Jan. 5, 1999, effective Sept. 30, 1999.*

*\*Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; 386.310, RSMo 1939, amended 1979, 1989, 1996; and 392.200, RSMo 1939, amended 1987, 1988, 1996.*

#### 4 CSR 240-32.070 Quality of Service

*PURPOSE: This rule sets forth the standards for quality of service.*

(1) Each telecommunications company shall provide telecommunications service to the public in its service area in accordance with its tariffs on file with the commission. The company shall adhere to the standards prescribed by the commission, but the procedures and practices should not supersede individual customers' needs. Simple adherence to established procedures is not necessarily an indication that a company has provided adequate service to a particular customer or group of customers. In proceedings before the commission, compliance with quality of service standards established by these rules creates a presumption that the telecommunications service conforming to such standards is adequate under Public Service Commission law. The presumption of adequacy may be rebutted by evidence which shows that, under the particular facts and circumstances, adherence to these rules does not result in the provision of adequate service to a customer or a group of customers.

(2) Each company shall employ prudent management and engineering practices to forecast future demand for service.

(3) Each company shall perform routine tests, make traffic studies, and maintain records required to determine the facilities, equipment and personnel necessary to maintain an acceptable quality of service at all times.

(4) Each customer requesting the installation or repair of basic local telecommunications service will be provided with a commitment as to the date service will be installed or repaired. The customer may request an appointment more specific in time than the



one offered by the company. If requested by the customer, the company will indicate a morning or afternoon appointment, and will make reasonable efforts to accommodate the customer's appointment requests.

(5) Each company shall provide for the receipt of all customer trouble reports at all hours and make a full and prompt investigation of all complaints. The company shall maintain an accurate record of trouble reports made by its customers. This record shall include an appropriate identification of the customer; the service affected; the time, date and nature of the report; the action taken to clear the trouble or satisfy the complaint; and the date and time of trouble clearance or other disposition. If customer trouble reports are relayed to a recorder after business hours and on weekends, the recorder must be capable of automatically recording the date and time so that company personnel can determine the exact time the trouble was reported to the company. The time and date of initial customer contact will start the out-of-service time period as identified in 4 CSR 240-32.080(5)(H).

(6) Each company shall establish a reasonable procedure to receive and address bona fide emergency trouble reports at all hours, in a way that is consistent with the needs of customers and the personal safety of company personnel.

**AUTHORITY:** sections 386.040, 386.250 and 386.310, RSMo 2000 and 392.200, RSMo Supp. 2003.\* Original rule filed Dec. 11, 1975, effective Dec. 23, 1975. Rescinded and readopted: Filed Jan. 5, 1999, effective Sept. 30, 1999. Amended: Filed Oct. 30, 2003, effective June 30, 2004.

\*Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; 386.310, RSMo 1939, amended 1979, 1989, 1996; and 392.200, RSMo 1939, amended 1987, 1988, 1996, 2003.

#### 4 CSR 240-32.080 Service Objectives and Surveillance Levels

**PURPOSE:** This rule establishes service objectives which telecommunications companies should meet and surveillance levels which indicate a level of service that a company needs to investigate and correct.

(1) Each company shall make at least monthly measurements to determine the level of service for each applicable category using the criteria listed below. Filing requirements for

this area can be found in 4 CSR 240-3.550. Any category that cannot be monitored continuously shall be tested during normal business hours. Since technology will continue to change the way telecommunications companies provide and monitor service and because of the vast range of central office sizes, a company may find it is not technically feasible to collect data for some categories.

(2) Each company is expected to provide service within each exchange or as otherwise monitored in this section that meets or exceeds the service objective level. If service within any exchange falls within the surveillance level, the company shall immediately investigate and take appropriate corrective action. The identified problem and the corrective action taken shall be submitted to the commission with the company's quarterly report.

(3) For purposes of determining answer time service level, a call is not answered until the appropriate operator, interactive voice system or representative is on the line and available to render assistance or accept information necessary to process the call. An acknowledgment that the customer is waiting on the line is not an answer.

(4) For purposes of preparing trouble reports, each verbal, electronic or written communication regarding trouble with an access line will be taken as a separate communication unless the communication is a subsequent trouble report. A trouble report for the same access line should be recorded as a separate trouble report if the previously reported trouble was repaired or corrected and closed prior to this communication.

(5) The service objectives, surveillance levels and monitoring criteria for the following categories are:

(A) Orders for basic local telecommunications service—

1. Service objective—that ninety percent (90%) or more of such orders shall be installed, except for customer-caused delays, delays caused by a declared natural disaster or a specific exemption requested by a company and approved by the commission staff to address a unique situation or condition—

A. Within five (5) working days after the customer ordered service; or

B. On or by the date requested if it is at least five (5) working days after the date the customer ordered service;

2. Surveillance level—eighty-five percent (85%) or below; and

3. Monitoring criteria—continuously, by exchange;

(B) Installation commitments—all customers shall be given a commitment of when service will be installed in accordance with 4 CSR 240-32.070(4)—

1. Service objective—that ninety-five percent (95%) or more of commitments for installation of basic local telecommunications service shall be met, except for customer-caused delays, delays caused by a declared natural disaster or a specific exemption requested by a company and approved by the commission staff to address a unique situation or condition;

2. Surveillance level—ninety percent (90%) or below; and

3. Monitoring criteria—continuously, by exchange;

(C) Operator assisted calls—

1. Service objective—that one hundred percent (100%) of operator assisted calls, shall be answered on average within twelve (12) seconds or less of dialing "0." This objective incorporates the required switch delay for "0-" calls;

2. Surveillance level—fourteen (14) seconds or more; and

3. Monitoring criteria—continuously, on a company-wide basis, if a company provides this service by contractor service, the company providing the basic local service shall monitor the contractor's performance and report it as the local service provider's results. In the event the contractor of this service is an incumbent local exchange carrier and does not disaggregate its own retail performance from the wholesale performance, the retail provider of basic local exchange service may identify the contractor of this service and may concur in the performance of the contractor's service;

(D) Customer assistance calls—

1. Service objective—that the average speed of answer for calls to the business office or repair bureau shall be fifteen (15) seconds or less;

2. Surveillance level—that average speed of answer for calls to the business office or repair bureau exceeding twenty (20) seconds on a continuous basis indicates a need for investigation and corrective action; and

3. Monitoring criteria—continuously, on a company-wide basis via an interactive voice system, if not possible, manual monitoring of twenty-five (25) incoming calls to a service center will be conducted on a monthly basis;

(E) Originating switched calls—

1. Service objective—that ninety-eight percent (98%) or more of calls shall receive a dial tone within three (3) seconds;





2. Surveillance level—ninety-seven and four-tenths percent (97.4%) or less; and

3. Monitoring criteria—continuously, via dial tone delay or dial tone denial reports. These reports can monitor the switch's traffic either on an exchange-specific basis or switch-wide basis. If a company lacks the capability to produce such reports, the company should produce a report based on twenty-five (25) test calls, by exchange. If a company provides this service by contractor service, the company providing the basic local service shall monitor the contractor's performance and report it as the local service provider's results;

(F) Local exchange switched call completion—

1. Service objective—that ninety-eight percent (98%) or more of local exchange switched calls shall be completed without encountering a blockage or equipment busy condition;

2. Surveillance level—ninety-five percent (95%) or less; and

3. Monitoring criteria—continuously, via switch call completion reports. These reports can monitor the switch's traffic either on an exchange-specific basis or switch-wide basis. If a company lacks the capability to produce such reports, the company should produce a report based on at least twenty-five (25) test calls, by exchange. If a company provides this service by contractor service, the company providing the basic local service shall monitor the contractor's performance and report it as local service provider's results;

(G) Interexchange switched call completion—

1. Service objective—that ninety-eight percent (98%) or more of interexchange switched calls shall be completed without encountering a blockage or equipment busy condition;

2. Surveillance level—ninety-five percent (95%) or less; and

3. Monitoring criteria—continuously, via call blockage reports. These reports can monitor the switch's traffic either on an exchange-specific basis or switch-wide basis. If a company lacks the capability to produce such reports, the company should produce a report based on twenty-five (25) test calls, by exchange. If a company provides this service by contractor service, the company providing the basic local service shall monitor the contractor's performance and report it as the local service provider's results; and

(H) Customer trouble reports—

1. Frequency—

A. Service objective—that the frequency shall not exceed six (6) reports for every one hundred (100) access lines each month;

B. Surveillance level—shall not exceed eight (8) reports for every one hundred (100) access lines each month;

C. Monitoring criteria—monthly, by exchange; and

D. The service objective and surveillance levels do not apply to trouble caused by customer provided equipment (CPE) and inside wire or when the report is a subsequent trouble report for the same access line. In order to exclude trouble reports caused by CPE or inside wire the company must specifically determine the cause is from CPE or inside wire. Trouble reports whereby a company simply tests the line and produces a "test ok" or "found ok" condition are still countable trouble reports and are not excludable from the company's trouble report rate;

2. Clearing time—out-of-service conditions—

A. Service objective—that ninety percent (90%) or more of out-of-service trouble not requiring unusual repair shall be cleared within twenty-four (24) hours;

B. Surveillance level—eighty-five percent (85%) or less; and

C. Monitoring criteria—monthly by exchange; and

3. Repair commitments—All customers shall be given a commitment of when service will be restored in accordance with 4 CSR 240-32.070(4)—

A. Service objective—that ninety percent (90%) or more of commitments for clearing trouble shall be met, except for customer-caused delays and delays caused by a declared natural disaster or a specific exemption requested by a company and approved by the commission staff to address a unique situation or condition;

B. Surveillance level—eighty-five percent (85%) or less; and

C. Monitoring criteria—monthly, by exchange.

*AUTHORITY: sections 386.040, 386.250 and 386.310, RSMo 2000 and 392.200, RSMo Supp. 2003.\* Original rule filed Dec. 11, 1975, effective Dec. 23, 1975. Amended: Filed Dec. 12, 1977, effective July 13, 1978. Amended: Filed Aug. 13, 1984, effective Nov. 15, 1984. Rescinded and readopted: Filed Jan. 5, 1999, effective Sept. 30, 1999. Amended: Filed Oct. 30, 2003, effective June 30, 2004.*

*\*Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; 386.310, RSMo 1939,*

*amended 1979, 1989, 1996; and 392.200, RSMo 1939, amended 1987, 1988, 1996, 2003.*

#### 4 CSR 240-32.090 Connection of Equipment and Inside Wiring to the Telecommunications Network

*PURPOSE: This rule sets forth conditions under which telecommunications companies may disconnect equipment and inside wiring connected to the telecommunications network.*

(1) No company shall knowingly permit connection to or operation over the telecommunications network of an automated dialing-announcing device used for solicitation purposes where—

(A) Calls initiated by the device cannot be terminated at will by the called party and dial tone restored to the called party promptly upon termination of the call by the called party; or

(B) Any prerecorded message issued by the automated dialing-announcing device is not preceded by an announcement which states the name and address of the calling party, the purpose of the message and that the message is coming from automated equipment.

(2) Should terminal equipment, inside wiring, plugs and jacks, or protective circuitry cause harm to the telecommunications network, or should a company reasonably determine that such harm is imminent, the company shall, where practicable, notify the customer that temporary discontinuance of service may be required; however, wherever prior notice is not practicable, the company may temporarily discontinue service forthwith, if such action is reasonable under the circumstances. In case of such temporary discontinuance, the company shall—

(A) Promptly notify the customer of such temporary discontinuance;

(B) Afford the customer the opportunity to correct the situation which gave rise to the temporary discontinuance; and

(C) Inform the customer of the customer's right to bring a complaint to the commission.

*AUTHORITY: sections 386.040, RSMo 1994 and 386.250, 386.310 and 392.200 Supp. 1998.\* Original rule filed July 13, 1978, effective Jan. 13, 1979. Rescinded and readopted: Filed Jan. 5, 1999, effective Sept. 30, 1999.*

*\*Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; 386.310, RSMo 1939,*



amended 1979, 1989, 1996; and 392.200, RSMo 1939, amended 1987, 1988, 1996.

#### 4 CSR 240-32.100 Provision of Basic Local and Interexchange Telecommunications Service

**PURPOSE:** This rule prescribes the minimum technologies and service features constituting basic local and interexchange telecommunications service as provided by basic local telecommunications companies.

**PUBLISHER'S NOTE:** The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

(1) Each basic local telecommunications company shall provide all the minimum elements necessary for basic local interexchange telecommunications service prescribed in this rule.

(2) The following technologies and service features shall constitute the minimum elements necessary for basic local and interexchange telecommunications service:

(A) Single line service;

(B) Availability of dual tone multifrequency signaling;

(C) Electronic switching with Enhanced 911 (E-911) access capability or an enhanced version thereof;

(D) Digital interoffice transmission between central office buildings;

(E) Penetration of the International Telephone and Telegraph Consultative Committee's Signaling System Number Seven (CCITT SS7), or an enhanced version thereof, down to the tandem level of the switching hierarchy;

(F) Availability of custom calling features including, but not limited to, call waiting, call forwarding, three (3)-way calling and speed dialing; and

(G) Equal access in the sense of dialing parity and presubscription among interex-

change telecommunications companies for calling within and between local access and transport areas (intraLATA and interLATA presubscription).

(3) IntraLATA equal access presubscription will be conducted as ordered by the commission.

(4) The interLATA equal access presubscription and processes shall be conducted in accordance with the requirements of the Federal Communications Commission (FCC) as set forth in 101 FCC2d 917 (1985), 101 FCC2d 935 (1985) and 102 FCC2d 505 (1985). These FCC orders are hereby incorporated by reference and made a part of this rule.

(5) A company that is presently modernizing under an order of the commission pursuant to a plan filed in Case No. TO-93-309, shall implement the technologies and service features listed in section (2) as ordered by the commission. Those companies are hereby granted a waiver of time to complete modernization until the date previously ordered by the commission.

(6) Upon proper application and after due notice, the commission may waive any provision of this rule for good cause shown.

**AUTHORITY:** sections 386.040, RSMo 1994 and 386.250, 386.310 and 392.200, RSMo Supp. 1998.\* Original rule filed Dec. 31, 1991, effective Dec. 3, 1992. Rescinded and readopted: Filed Jan. 5, 1999, effective Sept. 30, 1999.

\*Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; 386.310, RSMo 1939, amended 1979, 1989, 1996; and 392.200, RSMo 1939, amended 1987, 1988, 1996.

#### 4 CSR 240-32.110 Surety Bonding Requirements for Basic Local Telecommunications Companies

(Rescinded December 30, 2000)

**AUTHORITY:** sections 386.040, RSMo 1994 and 386.250 and 392.200, RSMo Supp. 1998. Original rule filed Aug. 24, 1999, effective April 30, 2000. Rescinded: Filed June 29, 2000, effective Dec. 30, 2000.

#### 4 CSR 240-32.120 Snap-Back Requirements for Basic Local Telecommunications Companies

**PURPOSE:** This rule establishes provisions for ensuring that basic local telecommunications service customers receive uninterrupted service from the carrier-of-last-resort should the customer's basic local telecommunications service company cease operations.

(1) To ensure uninterrupted service to basic local telecommunication service customers, a basic local telecommunications company reselling the services of a carrier-of-last-resort shall provide an immediate and orderly transition of its resale customers to a carrier-of-last-resort in the event the company ceases operation or otherwise terminates service to the end-user customer for any reason other than cause as provided for in its tariffs and approved by the commission.

(2) If a provider of basic local telecommunications service, serving a customer through resale of a carrier-of-last-resort's services, ceases service, it shall immediately, but in no event later than thirty (30) days prior to its last day of service, provide the carrier-of-last-resort all relevant information to ensure that the end-user customer will not experience a service outage. The provider of basic local telecommunications service shall also send a notice to its end-users advising them of its intention to cease doing business and that such end-users must choose another basic local service provider. The notice shall further indicate that failure to choose another provider may result in the carrier-of-last-resort providing service during a thirty (30)-day interim period until such a choice is made and that failure to choose another provider within thirty (30) days after the transition shall result in a loss of service. The customer's intraLATA and/or interLATA carrier of choice will be continued if available. If it is not available, the carrier-of-last-resort will provide access to any carrier it selects until the customer notifies the carrier-of-last-resort in writing of a new carrier selection.

(3) The carrier-of-last-resort will immediately accept the resale customers of a provider of basic local telecommunications service, providing service through resale, that ceases operation or otherwise terminates service to the end-user customer for any reason other than cause as provided for in its tariffs and approved by the commission. The carrier-of-last-resort shall provide the end-user identical or equivalent service during a thirty (30)-day interim period, or until the end-user chooses another provider. The rates and terms for the



service supplied will be provided according to the carrier-of-last-resort's approved tariff, except that the payment or credit history of the customer shall not permit the carrier-of-last-resort to refuse to provide service during the transition period. Within thirty days after transfer of the customer, the customer must make an affirmative choice to stay with the new carrier or select another carrier. The carrier-of-last-resort is not obligated to provide service to the customer beyond the thirty (30)-day interim period. If the customer does not choose a new carrier, the carrier-of-last-resort may immediately terminate service to the customer notwithstanding any other requirements in its tariffs.

(4) If there is more than one carrier-of-last-resort in a service territory, customers of the basic local telecommunications company that has ceased operation shall be transferred to the carrier-of-last-resort whose services are being resold.

(5) The carrier-of-last-resort shall notify the customer of the temporary change of service provider, the applicable rates that will be charged the customer, and that the customer has thirty (30) days to make a choice of a preferred service provider. Such notice shall be given no later than the carrier-of-last-resort's initial bill to the affected customer. The information regarding rates may be provided in such bill. The notice shall also provide that within thirty (30) days after transfer of a customer, the customer must make an affirmative choice to stay with the new carrier or select another carrier. If no choice is made, the current carrier may terminate service, notwithstanding any additional notice requirements contained in its tariffs.

(6) No good faith effort to comply with this rule shall be grounds for a claim of unwanted or unlawful provision of service, i.e. slamming or cramming, provided that the carrier-of-last-resort shall convert the end-user in an orderly fashion to their carrier of choice when an order is received from the end-user's provider of choice.

**AUTHORITY:** sections 386.040, RSMo 1994 and 386.250 and 392.200, RSMo Supp. 1998.\* Original rule filed Aug. 24, 1999, effective April 30, 2000.

\*Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; and 392.200, RSMo 1939, amended 1987, 1988, 1996.

#### 4 CSR 240-32.130 General Provisions—Prepaid Interexchange Calling Services

**PURPOSE:** This rule sets forth the applicability of the rules comprising 4 CSR 240-32.130 through 4 CSR 240-32.170.

(1) This rule, and other rules comprising 4 CSR 240-32.130 through 4 CSR 240-32.170, shall apply to companies that provide prepaid calling interexchange services to the public: (a) using their own facilities; or, (b) reselling the services of another telecommunications company.

**AUTHORITY:** sections 386.040, 386.250 and 392.200, RSMo 2000.\* Original rule filed Dec. 29, 2000, effective Aug. 30, 2001.

\*Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; and 392.200, RSMo 1939, amended 1987, 1988, 1996.

#### 4 CSR 240-32.140 Definitions—Prepaid Interexchange Calling Services

**PURPOSE:** This rule defines terms used in the rules comprising 4 CSR 240-32.130 through 4 CSR 240-32.170.

(1) Commission—The Missouri Public Service Commission.

(2) Company—Any telecommunications company providing prepaid calling services to the public: (a) using its own facilities; or, (b) reselling the services of another telecommunications company.

(3) Customer—Any end user inquiring about or purchasing prepaid calling services.

(4) Customer Service—A set of services which are available to the prepaid calling service user 24 hours a day, seven days a week via a domestic toll-free number.

(5) Prepaid Calling Services (PPCS or Services)—Prepaid telecommunications service that allows end users to originate calls through an access number and authorization code, whether manually or electronically dialed.

(6) Prepaid Calling Card (Card)—Any object containing an access number and authorization code that enables an end user to use PPCS. This includes, but is not limited to, retail and collectible calling cards. Promotional calling cards become prepaid calling cards when the consumer must purchase prepaid calling services at the time of issuance

or at some time in the future in order to use the promotional card.

**AUTHORITY:** sections 386.040, 386.250 and 392.200, RSMo 2000.\* Original rule filed Dec. 29, 2000, effective Aug. 30, 2001

\*Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; and 392.200, RSMo 1939, amended 1987, 1988, 1996.

#### 4 CSR 240-32.150 Qualifications for and Responsibilities of the Prepaid Calling Services

**PURPOSE:** This rule establishes the qualifications for and the responsibilities of the PPCS company.

(1) A company shall not provide prepaid calling services (PPCS) without first obtaining a certificate of service authority to provide interexchange telecommunications services and having an approved tariff on file at the commission.

(2) The company name used on prepaid calling cards and/or the prepaid card packaging shall be identical to the name in which the certificate and tariff are issued.

(3) A "doing business as" (d/b/a) name may be used on all prepaid calling cards and/or prepaid Card packaging if the d/b/a is registered with the Missouri Secretary of State as a fictitious name and the d/b/a is reflected on the certificate and the tariff prior to providing the service.

(4) All prepaid calling services charges, surcharges and fees subject to Missouri Public Service Commission jurisdiction shall be no more than the company's Missouri-tariffed rates.

(5) If a company uses billing increments other than per minute rates, the billing increment must be defined in the company's Missouri tariff.

**AUTHORITY:** sections 386.040, 386.250 and 392.200, RSMo 2000.\* Original rule filed Dec. 29, 2000, effective Aug. 30, 2001.

\*Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; and 392.200, RSMo 1939, amended 1987, 1988, 1996.

**4 CSR 240-32.160 Customer Disclosure Requirements**

*PURPOSE: This rule establishes customer disclosure requirements.*

(1) Company shall provide the following information to the customer before purchase. The information may be disclosed on the prepaid calling card, prepaid calling card packaging, visible display at the point of sale or in the presale document.

(A) The certificated name of the company providing prepaid calling services (PPCS) as provided for by 4 CSR 240-32.150.

(B) The maximum domestic per minute rate or the maximum charge per billing increment plus all applicable surcharges or taxes and any added relevant variables. If a company uses billing increments other than per minute rates, the billing increment must be defined.

(C) Any expiration policy or date.

(2) Company shall disclose the following information to the customer, either on the prepaid calling card or through an insert, after purchase.

(A) The certificated name of the company providing PPCS as provided for by 4 CSR 240-32.150.

(B) A toll-free customer service number.

(C) A toll-free or local network access number.

(D) An authorization code, if required to access the network.

(E) Any expiration policy or date.

(3) Company shall provide through its toll-free customer service number, the following information to the customer.

(A) The maximum domestic rate including all applicable surcharges or taxes and any added relevant variables, the maximum charge per billing increment or an appropriate method for the service user to calculate the domestic cost per minute plus all applicable surcharges or taxes and any added relevant variables.

(B) Any expiration policy or date.

(4) The company shall notify its retailers and distributors that customer disclosure information as set forth in 4 CSR 240-32.160(1) is required.

(5) Each company shall provide a live operator to answer all incoming calls 24 hours a day, 7 days a week or each company shall electronically voice-record end user complaints. If an electronic voice-recorder is used:

(A) The company shall attempt to contact each complainant no later than the next business day following the date of the recording.

*AUTHORITY: sections 386.040, 386.250 and 392.200, RSMo 2000.\* Original rule filed Dec. 29, 2000, effective Aug. 30, 2001.*

*\*Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; and 392.200, RSMo 1939, amended 1987, 1988, 1996.*

**4 CSR 240-32.170 Standards for Prepaid Calling Service**

*PURPOSE: This rule establishes standards for prepaid calling services.*

(1) The company shall not reduce the balance on the card by more than the charges printed on the card, packaging, visible display at the point of sale and in any presale documentation.

(2) Service may be recharged by the customer at a rate higher than the rate at initial purchase or last recharge. The higher rate and surcharges shall be no more than the rates and surcharges in the tariff and the customer shall be informed of the higher charges at the time of recharge.

(3) Increments charged to the prepaid calling card shall be expressed in minutes of use, units, dollars, or fractions thereof.

(4) Each company shall only charge for conversation time plus applicable disclosed surcharges. Conversation time begins when the called party answers the call and ends when either party terminates the call.

(5) When a company ceases operations in the state of Missouri, the company must:

(A) Provide the commission with 30 days advance notice in writing and include proof of customer notification.

(B) At least 30 days before termination, provide written notice to customers at the address on file with the company, if applicable, indicating that service will be ending and explain how customers may receive a refund on any unused service.

(C) Beginning at least 15 days before termination, provide oral notice of termination at the beginning of each call originated in Missouri, including the date of termination and a toll-free number to call for more information.

(D) Provide information to customer via its customer service number and the toll-free number outlining the procedure for obtaining

refunds and continue to provide this information for 60 days from the date the company ceases operations in Missouri.

(6) Each company shall have a refund policy that meets the following minimum requirements:

(A) If a company is no longer able to provide service and the prepaid calling card is deemed no longer usable and has not exceeded the expiration period of the card, the company shall provide a refund to the customer in an amount equal to the value remaining on the account.

(B) Refunds may be cash or replacement service, at the company's option. The company must provide the refund to the customer within 60 days of notification by the customer.

(7) Conversation time of less than a full minute shall be rounded to no more than the next full minute.

(8) Services without a specific expiration period printed on the card, and with a balance remaining, shall be considered active for a minimum of one year from the date of first use, or if recharged one year from the date of the last recharge.

(9) All services sold in Missouri must comply with 4 CSR 240-32.130 through 4 CSR 240-32.170 six months after the effective date of the rules.

*AUTHORITY: sections 386.040, 386.250 and 392.200, RSMo 2000.\* Original rule filed Dec. 29, 2000, effective Aug. 30, 2001.*

*\*Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; and 392.200, RSMo 1939, amended 1987, 1988, 1996.*

**4 CSR 240-32.180 Definitions—Caller Identification Blocking Service**

*PURPOSE: This rule defines terms used in section 4 CSR 240-32.190.*

(1) Caller identification—A service providing for a caller's originating telephone number to appear through the use of a display box at the called party's location.

(2) Per-call blocking—A service providing for a caller's ability to block, through the use of an access code, the originating telephone number from appearing on a display box at the called party's location.



(3) Per-line blocking—A service providing for an originating telephone number to be blocked from appearing on a display box at the called party's location. Per-line blocking is accomplished without the need of the caller to dial an access code.

*AUTHORITY: sections 386.040 and 386.250, RSMo 2000 and 392.200, RSMo Supp 2003. \* Emergency rule filed Sept. 26, 2003, effective Oct. 6, 2003, expired April 2, 2004. Original rule filed Nov. 4, 2003, effective March 30, 2004.*

*\*Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; and 392.200, RSMo 1939, amended 1987, 1988, 1996, 2003.*

#### 4 CSR 240-32.190 Standards for Providing Caller Identification Blocking Service

*PURPOSE: This rule sets forth standards to be followed for Caller Identification Blocking Service.*

(1) All telecommunications companies shall permit per-call blocking when the caller dials access code star 67 (\*67), or 1167 from a rotary dial telephone prior to dialing the telephone number. No other means of per-call blocking shall be permitted.

(2) All telecommunications companies shall provide per-line blocking for federal, state, and local law enforcement agencies and private, nonprofit, tax-exempt domestic violence intervention agencies, and the employees of these agencies who have a need for such blocking pursuant to their employment. A telecommunications company shall enable per-line blocking within a reasonable time after a request from such an agency. A telecommunications company may determine whether the request has been made by a law enforcement or domestic violence intervention agency. No telecommunications company shall knowingly provide per-line blocking to any other entity or person.

(3) No telecommunications company shall charge any fee for per-call blocking.

(4) No telecommunications company shall charge any fee for per-line caller identification blocking for authorized federal, state, and local law enforcement agencies and private, nonprofit, tax-exempt domestic violence intervention agencies, and the employees of these agencies who have a need for such blocking pursuant to their employment.

*AUTHORITY: sections 386.040 and 386.250, RSMo 2000 and 392.200, RSMo Supp 2003. \* Emergency rule filed Sept. 26, 2003, effective Oct. 6, 2003, expired April 2, 2004. Original rule filed Nov. 4, 2003, effective March 30, 2004.*

*\*Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; and 392.200, RSMo 1939, amended 1987, 1988, 1996, 2003.*

#### 4 CSR 240-32.200 General Provisions for the Assignment, Provision and Termination of 211 Service

*PURPOSE: This rule applies to the assignment and provision of 211 service and the commission's application requirements for Information and Referral Services Providers. This rule is intended to enhance the ability of the public to access services that provide free information and referral to community resources in situations that are not immediately life-endangering, but still represent a serious but less urgent threat to basic human needs and individuals' health or welfare.*

*PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.*

(1) Definitions. For the purposes of 4 CSR 240-32.200, the following definitions are applicable:

(A) 211 is an abbreviated dialing code assigned by the Federal Communications Commission for community information and referral services.

(B) 211 Network is the system of 211 providers authorized by the commission that provide Information and Referral (I&R) services via 211 throughout the state of Missouri.

(C) Abbreviated dialing code is a three (3)-digit dialing pattern which enables callers to connect to a location in the telecommunications network that otherwise would be accessible only via a seven (7)-or ten (10)-digit

telephone number. The telecommunications network must be preprogrammed to translate the three (3)-digit code into the appropriate seven (7)-or ten (10)-digit telephone number and route the call accordingly.

(D) Accreditation is a process by which the Alliance of Information and Referral Systems determines whether information and referral programs are in compliance with the standards as set forth in the *Standards for Professional Information and Referral*, 4th edition, revised October 2002.

(E) Alliance of Information and Referral Systems (AIRS) is a non-profit, professional membership organization for information and referral providers.

(F) Applicant is a nonprofit organization as defined by section 501(c)(3) of the federal tax code that requests to be authorized by the commission to become a Missouri I&R Provider.

(G) Exchange is used as defined in section 386.020, RSMo 2000.

(H) Human services are services which include, but are not limited to, activities that help people to become more self-sufficient, sustain independence, strengthen family relationships, support personal and social development and ensure the well-being of individuals, families, groups and communities. Specific kinds of human services include ensuring that people have access to adequate food, shelter, clothing and transportation; financial resources to meet their needs; consumer education and decision support; legal services; training and employment; health and mental health care including substance abuse services; both routinely and in times of disaster or other emergencies.

(I) Information and Referral Provider (I&R Provider) is an organization which helps match people with requested services. The I&R Provider acts as an intermediary, matching the person with the necessary combination of human services that will address the individual's needs.

(J) Missouri I&R Provider is an I&R Provider that has received authority pursuant to this rule.

(K) Qualified human services entity is an entity offering human services and complying with AIRS standards for database inclusion thus making it eligible to be included in a Missouri I&R Provider's database.

(L) *Standards for Professional Information and Referral*, 4th edition, revised October 2002 is the document published by the Alliance of Information and Referral Systems that defines the national standards for information and referral programs and systems.

(M) Telecommunications company is used as defined in section 386.020, RSMo 2000.



(N) Volunteer or donation management means assisting individuals or organizations to provide volunteer services to the community.

(2) An entity requesting 211 service from a telecommunications company shall provide the telecommunications company with a copy of the order granting it authority as a Missouri I&R Provider or a copy of its application to become a Missouri I&R Provider supplemented by a copy of the order granting it authority as a Missouri I&R Provider prior to beginning service. When a telecommunications company receives a request from an entity to be assigned 211 as the Information and Referral Provider for a geographic area, the telecommunications company shall:

(A) Ensure that any entities that were assigned 211 at the local level prior to July 31, 2000, relinquish assignment of the code for noncompliant services;

(B) Take steps necessary (such as reprogramming switch software) to complete 211 calls from its subscribers to the Information and Referral Provider;

(C) Within sixty (60) days, submit a tariff to the commission, if no tariff exists, incorporating rates, terms and conditions for 211 service.

(3) Entities interested in becoming a Missouri I&R Provider shall file an application with the commission.

(A) All applications shall include a statement that the application meet the following criteria:

1. Applications must comply with 4 CSR 240-2.060(1);

2. A statement that the applicant is a not-for-profit organization as defined by section 501(c)(3) of the federal tax code or is a county, municipality, political subdivision, or agency of the state of Missouri;

3. A statement that the 211 telephone line will be monitored twenty-four (24) hours a day, seven (7) days a week, by:

A. The applicant's personnel;

B. The personnel of another Missouri I&R Provider under subcontract with the applicant; or

C. The personnel of a qualified human services entity under subcontract with the applicant;

4. The 211 telephone line shall not be answered through an answering service or answering machine;

5. Will adhere to the *Alliance of Information and Referral Systems, Incorporated Standards for Professional Information and Referral*, 4th edition, revised October 2002, which is incorporated herein by reference,

and is AIRS accredited, or has initiated, or will initiate, the written application process and shall become accredited within three (3) years;

6. Offers comprehensive services pursuant to the AIRS standards;

7. Shares resource database information with other Missouri I&R Providers;

8. Works collaboratively and has written agreements with specialized information and referral systems which shall include crisis centers, child care resource and referral programs, elderly help-lines, homeless coalitions, designated emergency management systems, 911 and 311 systems, as applicable;

9. Uses a method common to all Missouri I&R Providers to measure and evaluate outcomes for the operation of a 211 call center;

10. Has an established automated information tracking system that maintains call center data that shall include the following statistics: call volume, number of abandoned calls, average speed of answering, and average call length;

11. Tracks information on inquirer needs, unmet needs, and barriers to services and shares this data with other Missouri I&R Providers, and local and state organizations;

12. Removes or excludes human services entities from the Missouri I&R Providers' database for failure to deliver service, fraud, misrepresentation and discrimination;

13. Maintains a computerized information and referral database that has up-to-date information and resource data and the capacity to collect caller information;

14. Ensures quality of service and caller and customer satisfaction through follow-up and written outcome evaluations;

15. Publicizes 211 services through a written public awareness, marketing, advertising, and education plan to inform the public regarding available services;

16. Provides teletype (TTY) services for speech and hearing impaired individuals and multi-lingual accessibility either on-site, or through access to translators; and

17. Has formal agreements with clearinghouse agencies that provide volunteer or donation management services.

(B) In addition to the requirements of subsection (3)(A), the application must include:

1. A statement that the applicant possesses sufficient technical, financial and managerial resources and abilities to become the I&R Provider for the requested telephone exchanges;

2. A statement as to the applicant's ability and willingness to abide by commission rules and policies; and

3. A statement that sets forth the exchange(s) to be served.

(4) Upon receipt of an application, the commission shall issue notice to all incumbent local exchange telecommunications companies in the exchange(s) to be served, all facilities-based alternative local exchange telecommunications companies certificated to provide basic local telecommunications service, all human services entities listed in the yellow pages under the categories "Human Service Organizations" and "Social Service Organizations" for the exchanges to be served, all county seats for the requested exchanges, and all city governments in cities within the requested exchanges that have a population of five thousand (5,000) or more persons.

(A) Any other party interested in becoming the Missouri I&R Provider for the geographic area to be served shall submit an application in compliance with subsections (3)(A) and (B) above within thirty (30) days of the notice issued in section (4) above.

(B) The commission will grant an entity's application to become a Missouri I&R Provider unless it finds that granting the application is not in the public interest.

(C) The commission will authorize only one (1) I&R Provider for each telephone exchange. This shall not preclude a Missouri I&R Provider from serving multiple telephone exchanges.

(5) A Missouri I&R Provider shall comply with the statements set forth in its application.

(6) To ensure the efficient use of the 211 number for information and referral services, the Missouri I&R Provider shall be required to coordinate with all other information and referral service providers and the telecommunications companies within its designated telephone exchange or exchanges.

(7) A Missouri I&R Provider will be entitled to be assigned the three (3)-digit 211 abbreviated dialing code to serve the community for a period of three (3) years.

(8) If the applicant wishes to continue as the authorized Missouri I&R Provider after the three (3)-year period, the applicant must reapply for authority with the commission.

(A) Reapplication shall be submitted at least ninety (90) days prior to the expiration of the Missouri I&R Provider's authorization.



(B) Reapplication shall include all items listed under subsections (3)(A) and (B) above.

(9) If a Missouri I&R Provider loses AIRS accreditation, within forty-five (45) days of the loss of accreditation, the provider shall submit to the commission for approval a plan to secure AIRS accreditation.

(10) If the commission receives a formal complaint filed pursuant to Chapter 2 of 4 CSR 240 that a Missouri I&R Provider is in violation of the AIRS criteria, or of a statute, rule, order or tariff applicable to the provision of 211 service, or that its continued authorization is not in the public interest, the commission shall initiate an investigation of the complaint within twenty-one (21) calendar days after the filing of the formal complaint and take action as appropriate including, but not limited to, revocation of the Missouri I&R Provider's authorization.

(11) The commission shall revoke the use of the 211 dialing code from any entity that is not authorized by the commission.

(A) Prior to revocation, the commission shall notify the entity using the 211 number that it has thirty (30) days from receipt of the notification to file an application seeking authority to become a Missouri I&R Provider.

(B) If the entity using the 211 number fails to meet the commission's authorization criteria within thirty (30) days of receipt of revocation notice, the commission, shall direct the appropriate local exchange company(s) to revoke use of the 211 number.

(12) A Missouri I&R Provider will be responsible for all costs of provisioning service, including nonrecurring and recurring charges incurred by the use of the abbreviated dialing code 211.

(13) Neither a telecommunications company nor a Missouri I&R provider shall charge end users a separate charge specifically for 211 service.

(14) Any qualified human services entity may be listed in the Missouri I&R Provider's database at no charge.

(A) To be listed in the 211 database, a qualified human services entity must provide the following information to the Missouri I&R Provider:

1. Contact information;
  2. A description of provided services;
- and

3. A list of the counties where service is provided.

(B) Missouri I&R Providers shall inform qualified human services entities that inclusion in the database is a privilege rather than a right and that they may be removed or excluded from the database for failure to deliver service, fraud, misrepresentation and discrimination.

(15) The 211 abbreviated dialing code shall not be used for commercial advertisements or solicitation.

(16) A Missouri I&R Provider shall submit to the commission an annual report documenting information and referral services provided—

(A) The annual report shall include geographical areas served, call volume, number of abandoned calls, average speed of answering, average call length, information on inquirer needs, unmet needs, and barriers to services;

(B) The annual report shall cover the previous year's activities and shall follow the state's fiscal year from July 1 through June 30; and

(C) The report shall be submitted to the manager of the Telecommunications Department on or before August 1 of each year.

(17) All telecommunications companies and Missouri I&R Providers operating pursuant to the emergency rule shall meet any additional requirements in compliance with this rule within six (6) months after its effective date. All new applicants shall comply with all portions of this rule beginning on its effective date.

*AUTHORITY: sections 386.040 and 386.250, RSMo 2000 and 392.200, RSMo Supp. 2003.\* Emergency rule filed Feb. 9, 2004, effective March 15, 2004, expires Sept. 10, 2004. Original rule filed March 12, 2004, effective Sept. 30, 2004.*

*\*Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; and 392.200, RSMo 1939, amended 1987, 1988, 1996, 2003.*



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


In the Matter of a Proposed New Rule 4     )  
CSR 240-3.570 Regarding Eligible         )  
Telecommunications Carrier Designations    )  
for Receipt of Federal Universal Service    )  
Fund Support.                                 )

Case No. TX-2006-0169

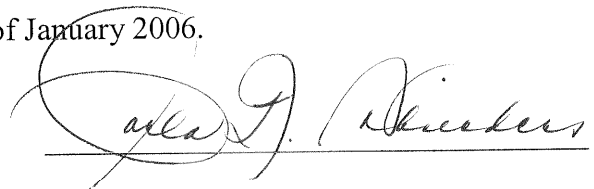
**AFFIDAVIT OF NATELLE DIETRICH**

STATE OF MISSOURI     )  
                              )ss.  
COUNTY OF COLE     )

Natelle Dietrich, being of lawful age and after being duly sworn, states that she is employed by the Missouri Public Service Commission as a Regulatory Economist III in the Telecommunications Department, that she participated in the preparation of and read the foregoing filing of the Staff of the Missouri Public Service Commission, that she has knowledge of the matters set forth in the filing, and that such matters are true to the best of her knowledge and belief.

  
\_\_\_\_\_  
Natelle Dietrich

Subscribed and sworn to before me this 9th day of January 2006.

  
\_\_\_\_\_

