

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

In the Matter of a Proposed Rulemaking to)
Amend 4 CSR 240-33.160, Customer) Case No. TX-2008-0090
Proprietary Network Information.)

FISCAL NOTE REVIEW MEMORANDUM

COMES NOW the Staff of the Missouri Public Service Commission and states:

1. This Memorandum concerns the adoption of 4 CSR 240-33.160, which became effective on September 30, 2008.

2. Section 536.200.2 RSMo 2000 requires agencies to make a filing with the Secretary of State if, after the first full year after implementation, the cost of the rule exceeds the agency estimate. In the attached Memorandum, the Staff advises the Commission that the Staff conducted a review of the fiscal estimates from the rule changes adopted in this case and has determined that no fiscal estimate changes need to be filed with the Secretary of State.

WHEREFORE, the Staff submits this Fiscal Note Review.

Respectfully submitted,



Colleen M. Dale
Senior Counsel
Missouri Bar No. 31624
Attorney for the Staff of the
Missouri Public Service Commission
P. O. Box 360
Jefferson City, MO 65102
(573) 751-4255 (Telephone)
cully.dale@psc.mo.gov

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 22nd day of July, 2010.

A handwritten signature in black ink, appearing to be "Allan" followed by a stylized surname.

Memorandum

To: Official Case File
Case No. TX-2008-0090

From: Dana Parish
Telecommunications Department

Subject: Fiscal Analysis Review for 4 CSR 240-33.160 Rulemaking

Date: July 13, 2010

This rulemaking establishes the procedures by which telecommunications companies may use, disclose, or permit access to customer proprietary network information (CPNI) and is comprised of Commission rule 4 CSR 240-33.160. This rule became effective on September 30, 2008. The rule was estimated to not have a public entity cost or private entity cost exceeding \$500 in the aggregate.

Section 536.200.2 RSMo requires agencies to make a filing with the Missouri Secretary of State if, after the first full year after implementation, the cost of the rule has exceeded by ten percent or more the estimated cost in the fiscal note or has exceeded five hundred dollars if the proposed cost was estimated to be less than five hundred dollars. The Commission Staff investigated this rule and has not discovered any information that shows the cost estimate was not accurate. Staff has recently contacted the industry for input and no party indicates this rulemaking's cost estimate as published in the Missouri Register was inaccurate. Since the Commission Staff's investigation indicates the published cost estimates related to the implementation of this rule has not been exceeded, no Missouri Register publication is required under Section 536.200.2 RSMo.


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)	

AFFIDAVIT OF Dana Parish

STATE OF MISSOURI)	
)	ss:
COUNTY OF COLE)	

Dana Parish, employee of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that she has participated in preparing the accompanying document and that the facts therein are true and correct to the best of her knowledge and belief.



Dana Parish

Subscribed and affirmed before me this 13TH day of July 2010
I am commissioned as a notary public within the County of Callaway,
State of Missouri and my commission expires on 9-21-10



SUSAN L. SUNDERMEYER
My Commission Expires
September 21, 2010
Callaway County
Commission #06942086



NOTARY PUBLIC