

**Jason Kander**

Secretary of State  
Administrative Rules Division

**RULE TRANSMITTAL**

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SECRETARY OF STATE  
ADMINISTRATIVE RULES

Rule Number 4 CSR 240-28.060

**COPY**

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

Name of person to call with questions about this rule:

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

Email address morris.woodruff@psc.mo.gov

Data Entry Chris Koenigsfeld Phone 573-751-4256 FAX 573-526-6010

Email address christine.koenigsfeld@psc.mo.gov

Interagency mailing address GOB 9th Floor

**TYPE OF RULEMAKING ACTION TO BE TAKEN**

- ☐ Emergency rulemaking, include effective date  
☒ Proposed Rulemaking  
☐ Withdrawal ☐ Rule Action Notice ☐ In Addition ☐ Rule Under Consideration  
☐ Request for Non-Substantive Change  
☐ Statement of Actual Cost  
☐ Order of Rulemaking

Effective Date for the Order \_\_\_\_\_

☐ Statutory 30 days OR Specific date \_\_\_\_\_

Does the Order of Rulemaking contain changes to the rule text? ☐ NO

☐ YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

Small Business Regulatory  
Fairness Board (DED) Stamp

SMALL BUSINESS  
REGULATORY FAIRNESS BOARD

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JOINT COMMITTEE ON

APR 1 2015

ADMINISTRATIVE RULES



Commissioners  
ROBERT S. KENNEY  
Chairman  
STEPHEN M. STOLL  
WILLIAM P. KENNEY  
DANIEL Y. HALL  
SCOTT T. RUPP

## *Missouri Public Service Commission*

POST OFFICE BOX 360  
JEFFERSON CITY, MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
<http://www.psc.mo.gov>

SHELLEY BRUEGGEMANN  
General Counsel  
MORRIS WOODRUFF  
Secretary  
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Director of Administration  
and Regulatory Policy  
CHERLYN D. VOSS  
Director of Regulatory Review  
KEVIN A. THOMPSON  
Chief Staff Counsel

April 1, 2015

Jason Kander  
Secretary of State  
Administrative Rules Division  
600 West Main Street  
Jefferson City, Missouri 65101

Re: 4 CSR 240-28.060 Service Requirements

Dear Secretary Kander,

### CERTIFICATION OF ADMINISTRATIVE RULE

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

The Public Service Commission has determined and hereby certifies that this proposed rulemaking will not have an economic impact on small businesses. The Public Service Commission further certifies that it has conducted an analysis of whether there has been a taking of real property pursuant to section 536.017, RSMo 2000, that the proposed rulemaking does not constitute a taking of real property under relevant state and federal law, and that the proposed rulemaking conforms to the requirements of 1.310, RSMo, regarding user fees.

The Public Service Commission has determined and hereby also certifies that this proposed rulemaking complies with the small business requirements of 1.310, RSMo, in that it does not have an adverse impact on small businesses consisting of fewer than fifty full or part-time employees or it is necessary to protect the life, health, or safety of the public, or that this rulemaking complies with 1.310, RSMo, by exempting any small business consisting of fewer than fifty full or part-time employees from its coverage, by implementing a federal mandate, or by implementing a federal program administered by the state or an act of the general assembly.

Mr. Jason Kander  
April 1, 2015  
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Statutory Authority: sections 386.040, 386.250, 386.310, and 392.461, RSMo 2000 and 392.450, RSMo Supp. 2013

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

Morris L. Woodruff, Chief Regulatory Law Judge  
Missouri Public Service Commission  
200 Madison Street  
P.O. Box 360  
Jefferson City, MO 65102  
(573) 751-2849  
[morris.woodruff@psc.mo.gov](mailto:morris.woodruff@psc.mo.gov)

A handwritten signature in cursive script, reading "Morris L. Woodruff".

Morris L. Woodruff  
Chief Regulatory Law Judge

Enclosures

**AFFIDAVIT  
PUBLIC COST**

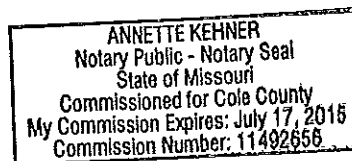
STATE OF MISSOURI )  
                                  )  
COUNTY OF COLE     )

I, Mike Downing, Director of the Department of Economic Development, first being duly sworn, on my oath, state that it is my opinion that the cost of proposed amendment to rule, 4 CSR 240-28.060, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

  
\_\_\_\_\_  
Mike Downing  
Director  
Department of Economic Development

Subscribed and sworn to before me this 12<sup>th</sup> day of March, 2015, I am  
commissioned as a notary public within the County of Cole, State of  
Missouri, and my commission expires on 17 July 2015.

  
\_\_\_\_\_  
Notary Public





**Title 4—DEPARTMENT OF  
ECONOMIC DEVELOPMENT**  
**Division 240 – Public Service Commission**  
**Chapter 28 –Telecommunications, I-VoIP, Video Services**

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**4 CSR 240-28.060 Service Requirements**

*PURPOSE: This rule describes service requirements applicable to companies that provide telecommunications or IVoIP services.*

(1) Any company providing intrastate telecommunications service shall comply with the safety standards identified in 4 CSR 240-18.010.

(2) Any company certificated or registered with the commission has a duty to ensure calls are being completed. No company shall intentionally frustrate, delay, impede or prevent the completion of any intrastate call.

(3) A telecommunications company may elect to remain subject to any or all of the following service quality rules by notification to the commission:

(A) Ensure basic local telecommunications service is installed in a timely manner. Unless otherwise agreed to by the commission, a company should monitor, on an exchange-specific basis, the percentage of initial service installation requests completed within five (5) working days. The company shall report on a quarterly basis the aggregate percentage of orders for basic local telecommunications service completed within five (5) working days; however, if an exchange has a result of less than eighty-five (85) percent then the company shall identify the exchange, the exchange's result and provide an explanation for the exchange's sub-par service and what is being done to improve service within the exchange.

(B) Ensure out-of-service conditions for basic local telecommunications service are restored in a timely manner. Unless otherwise agreed to by the commission, a company should monitor, on an exchange-specific basis, the percentage of out of service conditions cleared within twenty-four (24) hours. The company shall report on a quarterly basis the aggregate percentage of out-of-service conditions cleared within twenty-four (24) hours. If an exchange has a result of less than eighty-five (85) percent then the company shall identify the exchange, the exchange's result and provide an explanation for the exchange's sub-par service and what is being done to improve service within the exchange.

(C) Ensure trouble incidents do not exceed six (6) trouble reports per one hundred (100) lines. Unless otherwise agreed to by the commission a company should monitor the number of trouble incidents per one hundred (100) lines on an exchange-specific basis. Multiple trouble reports for the same access line can be tallied as one (1) trouble report. A trouble report is still counted if the company responds to a trouble report and test results simply indicate the line is "OK". Trouble reports may be excluded if the trouble is caused by faulty customer provided equipment or inside wire. A company shall report on a quarterly basis the aggregate percentage of trouble reports per one hundred (100) access lines. If an exchange has a result of eight (8) or more trouble reports per one hundred (100) access lines then the company shall identify the exchange, the exchange's result and provide an explanation for the exchange's sub-par service and what is being done to improve service within the exchange.

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**ADMINISTRATIVE RULES**

(D) Shall submit quarterly reports to the commission's EFIS as a non-case related submission within forty-five (45) days following the end of a quarter. A company's report shall be maintained on a confidential basis unless otherwise determined by the commission.

(4) A company that adheres to the standards set out in section (3) above and retains records of such testing and compliance, shall be presumed to provide safe and adequate service.

(5) Telecommunications companies shall comply with federal requirements associated with changes in preferred telecommunications service providers as identified in 47 CFR Part 64 Subpart K.

(6) The following procedure will be used if the commission staff contacts a telecommunications company in order to help resolve a customer's dispute:

(A) A telecommunications company shall acknowledge or respond to all commission staff inquiries related to denial or discontinuance of service issues within a reasonable period of time. A telecommunications company's initial response may be an estimated timeframe for a company's final response but shall not exceed thirty (30) days.

(B) If the matter remains unresolved after the company's final response the commission staff shall advise the customer of his/her right to file a formal complaint with the commission pursuant to commission rule 4 CSR 240-2.070(4).

AUTHORITY: Sections 386.040, 386.250 and 386.310, 392.461, RSMo 2000, and 392.450 RSMo (Supp. 2013.).

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; 392.461, RSMo, and 392.450, RSMo (Supp. 2013).

PUBLIC COST: *This proposed rule will not cost state agencies or political subdivisions more than \$500.00 in the aggregate.*

PRIVATE COST: *This proposed rule will not cost private entities more than \$500.00 in the aggregate.*

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: *Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before June 29, 2015, and should include a reference to Commission Case No. TX-2015-0097. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rule is scheduled for July 6, 2015, at 10:00 a.m., in Room 305 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service*

*Commission at least ten (10) days prior to the hearing at one (1) of the following numbers:  
Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*

# **Small Business Regulator Fairness Board**

## **Small Business Impact Statement**

**Date:** October 28, 2014

**Rule Number:** 4 CSR 240-28.060

**Name of Agency Preparing Statement:** Missouri Public Service Commission

**Name of Person Preparing Statement:** Kari Salsman

**Phone Number:** 573 526-5630

**Email:** kari.salsman@psc.mo.gov

**Name of Person Approving Statement:** Natelle Dietrich

**Please describe the methods your agency considered or used to reduce the impact on small businesses** (*examples: consolidation, simplification, differing compliance, differing reporting requirements, less stringent deadlines, performance rather than design standards, exemption, or any other mitigating technique*).

Proposed rule simplifies and streamlines rules, which will reduce any impact on small businesses.

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

The Commission held workshops and solicited informal comments from affected entities, including small businesses.

**Please list the probable monetary costs and benefits to your agency and any other agencies affected. Please include the estimated total amount your agency expects to collect from additionally imposed fees and how the moneys will be used.**

None.

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

Telecommunications companies and IVoIP providers will be required to comply with the proposed rule.



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

N/A

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

Telecommunications companies and IVolP providers.

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

Yes\_\_\_ No\_X\_

**If yes, please explain the reason for imposing a more stringent standard.**

*For further guidance in the completion of this statement, please see §536.300, RSMo.*