

John R. Ashcroft

Secretary of State
Administrative Rules Division

RULE TRANSMITTAL

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SECRETARY OF STATE
ADMINISTRATIVE RULES

Rule Number 4 CSR 240-31.016

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 Christine Koenigsfeld Phone 573-751-4256 FAX 573-526-6010

Email address Christine.Koenigsfeld@psc.mo.gov

Interagency mailing address Public Service Commission, 9th Floor Gov. Office Bldg, JC, Mo
TYPE OF RULEMAKING ACTION TO BE TAKEN

☐ Emergency Rulemaking ☐ Rule ☐ Amendment ☐ Rescission ☐ Termination

Effective Date for the Emergency _____

☐ Proposed Rulemaking ☐ Rule ☐ Amendment ☐ Rescission

☐ Rule Action Notice ☐ In Addition ☐ Rule Under Consideration

☐ Request for Non-Substantive Change

☐ Statement of Actual Cost

☒ Order of Rulemaking ☐ Withdrawal ☒ Adopt ☐ Amendment ☐ Rescission

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:

Section (2) (B), and (4)

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ADMINISTRATIVE RULES

STATE CAPITOL
201 W. CAPITOL AVENUE, ROOM 216
JEFFERSON CITY, MISSOURI 65101



(573) 751-3222
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Michael L. Parson

GOVERNOR
STATE OF MISSOURI

August 30, 2018

Mr. Daniel Hall
Public Service Commission
200 Madison Street
PO Box 360
Jefferson City, MO 65102

RE: *Proposed Rulemaking*

Dear Daniel:

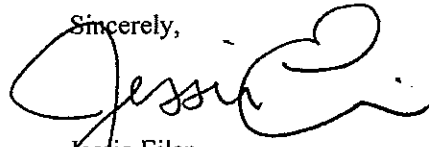
This office has received your proposed amendments, rules and rescissions for the regulations listed below.

- 4 CSR 240-28.010 – Definitions (proposed amendment)
- 4 CSR 240-31.010 – Definitions (proposed amendment)
- 4 CSR 240-28.011 – Certificate of Service Authority and/or Registration (proposed rule)
- 4 CSR 240-28.012 – Annual Reports, Statements of Revenue, and Assessments (proposed rule)
- 4 CSR 240-28.013 – Tariff Filings and Interconnection Agreements (proposed rule)
- 4 CSR 240-28.014 – Network Configuration (proposed rule)
- 4 CSR 240-28.015 – 211 Service (proposed rule)
- 4 CSR 240-28.016 – Telephone Numbering (proposed rule)
- 4 CSR 240-31.011 – Missouri USF Administration (proposed rule)
- 4 CSR 240-31.012 – Missouri USF Assessment (proposed rule)
- 4 CSR 240-31.013 – Missouri USF High Cost Support (proposed rule)
- 4 CSR 240-31.014 – Lifeline and Disabled Programs (proposed rule)
- 4 CSR 240-31.015 – ETC Requirements (proposed rule)
- 4 CSR 240-31.016 – ETC Application Requirements (proposed rule)
- 4 CSR 240-28.020 – General Provisions (proposed rescission)
- 4 CSR 240-28.030 – Certification or Registration Requirements (proposed rescission)
- 4 CSR 240-28.040 – Reporting Requirements (proposed rescission)
- 4 CSR 240-28.050 – Assessment Requirements (proposed rescission)
- 4 CSR 240-28.060 – Service Requirements (proposed rescission)
- 4 CSR 240-28.070 – Tariffs (proposed rescission)
- 4 CSR 240-28.080 – Interconnection Agreements (proposed rescission)
- 4 CSR 240-28.090 – 211 Service (proposed rescission)
- 4 CSR 240-31.020 – Organization, Powers, and Meetings of the Board (proposed rescission)
- 4 CSR 240-31.030 – The MoUSFA (proposed rescission)
- 4 CSR 240-31.040 – Eligibility for Funding – High Cost Areas (proposed rescission)
- 4 CSR 240-31.060 – The MoUSF Assessment (proposed rescission)
- 4 CSR 240-31.090 – Disbursement of MoUSF Funds (proposed rescission)
- 4 CSR 240-31.100 – Review Procedures for Support Payments (proposed rescissions)

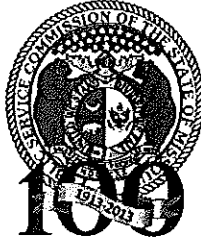
- 4 CSR 240-31.110 – Review of Board and MoUSFA Activities (proposed rescission)
- 4 CSR 240-31.120 – Lifeline Programs and Disabled Programs (proposed rescissions)
- 4 CSR 240-31.130 – Eligible Telecommunications Carrier Requirements (proposed rescission)
- 4 CSR 240-37.010 – General Provisions (proposed rescission)
- 4 CSR 240-37.020 – Definitions (proposed rescission)
- 4 CSR 240-37.030 – Thousands-Block Number Pooling (proposed rescission)
- 4 CSR 240-37.040 – Request for Review of the Decisions of the North American Numbering Plan Administrator or the Thousands-Block Pooling Administrator (proposed rescission)
- 4 CSR 240-37.050 – Reclamation (proposed rescission)
- 4 CSR 240-37.060 – Reporting Requirements (proposed rescission)

Executive Order 17-03 requires this office's approval before state agencies release proposed regulations for notice and comment, amend existing regulations, rescind regulations, or adopt new regulations. After our review of this rulemaking, we approve the submission of these amendments, rules and rescissions to the Joint Committee on Administrative Rules and the Secretary of State.

Sincerely,



Jessie Eiler
Deputy Counsel



Commissioners

DANIEL Y. HALL
Chairman

WILLIAM P. KENNEY

SCOTT T. RUPP

MAIDA J. COLEMAN

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Missouri Public Service Commission

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Director of Administration

NATELLE DIETRICH
Staff Director

John Ashcroft
Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, Missouri 65101

Re: 4 CSR 240-31.016 Application Requirements

Dear Secretary Ashcroft,

CERTIFICATION OF ADMINISTRATIVE RULE

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

Statutory Authority: sections 392.200.2, 392.248, and 392.470.1, RSMo 2016.

If there are any questions regarding the content of this order of 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

Morris L. Woodruff
Chief Regulatory Law Judge

Enclosures

**Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240 – Public Service Commission
Chapter 31 – Universal Service**

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SECRETARY OF STATE
ADMINISTRATIVE RULES

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 392.200.2, 392.248, and 392.470.1 RSMo 2016, the commission adopts a rule as follows:

4 CSR 240-31.016 ETC Application Requirements is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2018 (43 MoReg 999). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the Code of State Regulations.

SUMMARY OF COMMENTS: The public comment period ended July 2, 2018, and the commission held a public hearing on the proposed rule on July 9, 2018. The commission received timely written comments from AT&T, Missouri Cable Telecommunications Association (MCTA), CenturyLink, Windstream Missouri, Verizon, the Small Telephone Company Group and Missouri Independent Telephone Company Group (STCG), the Missouri Telecommunications Industry Association (MTIA), and the staff of the commission. Whitney Payne, representing the commission's staff; Richard Telthorst, on behalf of MTIA; Brian McCartney, representing STCG; and Craig Johnson representing Chariton Valley Communications, appeared at the hearing and offered comments.

COMMENT #1: Paragraph 31.016(2)(B)2 requires an application for Eligible Telecommunications (ETC) status to identify "all managers, officers, and directors, or any person exerting managerial control over the applicant's day to day operations, policies, service offerings, and rates." AT&T is concerned that requirement is overbroad and would require the identification of many low level managers within a large company. AT&T suggests the identification requirement be limited to officers and directors of the company.

RESPONSE AND EXPLANATION OF CHANGE:

The commission agrees the rule should not require the identification of mid and low level managers. The requirement will be modified to require identification only of officers, directors, and other persons, regardless of title, who fill the role of officer or director of the company.

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COMMENT #2: The commission's staff advises the commission to delete paragraph 31.016(B)7's requirement to submit a copy of a Lifeline and/or Disabled enrollment form as unnecessary.

RESPONSE AND EXPLANATION OF CHANGE: The commission will delete that paragraph and renumber the remaining paragraphs.

COMMENT #3: STCG notes that commission rule 31.130(4), which is being rescinded, allows the commission to grant a waiver or variance from any provision of the Chapter 31 Universal Service rules for good cause. It suggests the same provision should be added to the new rules.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with the comment and will add the waiver provision to the rule as section (4).

4 CSR 240-31.016 ETC Application Requirements.

(2) ETC application requirements–

(B) In addition to the requirements of 4 CSR 240-2.060 and 47 C.F.R. §54.201 and §54.202, all ETC applications should–

1. Identify any individual or entity having a ten percent (10%) or more ownership interest in the applicant.
2. Identify all officers, directors, and other persons, regardless of title, who fill the role of officer or director of the company;
3. Identify any company sharing common ownership or management with the applicant that has ever received funds from the federal USF or any state universal service fund.
4. Provide the details of any matter brought in the last ten (10) years by any state or federal regulatory or law enforcement agency against any of the individuals, entities, managers, officers, directors of other companies sharing common ownership or management with the applicant involving fraud, deceit, perjury, stealing, or the omission or misstatement of material fact in connection with a commercial transaction;
5. Identify the website containing information about the applicant's service and rates. If such information will be maintained in a tariff maintained with the commission then either provide a tariff filing or cite the existing tariff;
6. Provide statements addressing each of the following:
 - A. The applicant will comply with the ETC requirements identified in 4 CSR 240-31.015;
 - B. Whether the applicant intends to seek support from the Missouri USF. If so, the applicant should also state whether it intends to participate in the Disabled program;
 - C. A commitment to notify the commission of any changes to company contact information;

- D. If the applicant is certificated or registered by the commission, a statement that the company is compliant with all reporting and assessment obligations; and
 - E. A statement that the applicant is compliant with contribution obligations to the federal USF; and
7. A copy of the FCC's decision if an applicant has sought and obtained a waiver of any ETC requirement from the FCC.
- (4) The commission may grant a waiver of or variance from any provision of 4 CSR 240-31.010 through 4 CSR 240-31.016 for good cause, upon request or upon its own motion.