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MAY 18 2012

# SECRETARY OF STATE ADMINISTRATIVE RULES

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](mailto:morris.woodruff@psc.mo.gov)

|            |      |       |     |
|------------|------|-------|-----|
| Data Entry | same | Phone | FAX |
|------------|------|-------|-----|

Email address

Interagency mailing address    Public Service Commission, 9<sup>th</sup> Fl, Gov.Ofc Bldg, JC, MO

## TYPE OF RULEMAKING ACTION TO BE TAKEN

☒ Emergency rulemaking, include effective date *June 1, 2012*

☐ Proposed Rulemaking

☐ Withdrawal    ☐ Rule Action Notice    ☐ In Addition    ☐ Rule Under Consideration

### ☐ 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:

Amending sections (9), (13), and (14); adding section (8); renumbering sections (8), (9), (10), (11), (12), (13), and (14);

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JOINT COMMITTEE ON

MAY 18 2012

## ADMINISTRATIVE RULES



**Commissioners**

**KEVIN GUNN**  
Chairman

**TERRY M. JARRETT**

**ROBERT S. KENNEY**

***Missouri Public Service Commission***

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**WESS A. HENDERSON**  
Director of Administration  
and Regulatory Policy

**STEVEN C. REED**  
Secretary/General Counsel

**CHERLYN D. VOSS**  
Director of Regulatory Review

Robin Carnahan  
Secretary of State  
Administrative Rules Division  
600 West Main Street  
Jefferson City, Missouri 65101

Dear Secretary Carnahan,

Re: 4 CSR 240-31.010 Definitions

**CERTIFICATION OF ADMINISTRATIVE RULE**

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

I further certify that this emergency amendment is supported by a compelling governmental interest, the reasons for which are stated in the emergency statement.

Statutory Authority: section 392.200.2, HB 1779, Second Regular Session, Ninety-fourth General Assembly, 2008, and sections 392.248 and 392.470.1, RSMo 2000.

If there are any questions regarding the content of this rule, please contact me at the address and number below.

Sincerely,

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

Morris 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)

Enclosure

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Title 4—DEPARTMENT OF  
ECONOMIC DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 31—Missouri Universal Service Fund

MAY 18 2012  
SECRETARY OF STATE  
ADMINISTRATIVE RULES

## EMERGENCY AMENDMENT

### 4 CSR 240-31.010 Definitions

*PURPOSE: This rule is amended to conform to new federal guidelines concerning eligibility to receive support Lifeline Program support.*

*EMERGENCY STATEMENT: This rule is amended to continue to conform to the requirements of the Universal Service Fund, a federal program that provides monetary support for telecommunications services for low-income households. If this rule is not timely amended, support in whole or in part may be withheld, causing low-income household to be without telecommunications services. As a result, the Public Service Commission finds an immediate danger to the public health, safety and/or welfare and a compelling governmental interest, which requires this emergency action. A proposed amendment, which covers the same material, is published in this issue of the **Missouri Register**. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri and United States Constitutions**. The Administrative Rules Division believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed May 18, 2012, becomes effective June 1, 2012, and expires February 28, 2013.*

**(8) Income - all income actually received by all members of the household. This includes salary before deductions for taxes, public assistance benefits, social security payments, pensions, unemployment compensation, veteran's benefits, inheritances, alimony, child support payments, worker's compensation benefits, gifts, lottery winnings, and the like. The only exceptions are student financial aid, military housing and cost-of-living allowances, irregular income from occasional small jobs such as baby-sitting or lawn mowing, and the like.**

[(8)] **(9)** Local calling scope—The geographic area determined by a local exchange telecommunications company's tariffs filed with and approved by the commission, 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.

[(9)] **(10)** Low-income customer—Any customer who requests or receives residential essential local telecommunications service and **whose income, as defined in (8) above, is at or below 135% of the Federal Poverty Guidelines or** who participates or has a dependent residing in the customer's household who participates in a program pursuant to 42 U.S.C. [sections] §§1396-1396v, food stamps (7 U.S.C. [section] §51), Supplementary Security Income (SSI) (42 U.S.C. [section] §7), federal public housing assistance or Section 8 (42 U.S.C. [section] §8), National School Lunch Program's free lunch program (42 U.S.C. [section] §13), Temporary Assistance for Needy Families (42 U.S.C. [section] §7(IV)), or Low Income Home Energy Assistance Program (LIHEAP) (42 U.S.C. [section] §94).

JOINT COMMITTEE ON

MAY 18 2012

ADMINISTRATIVE RULES

[(10)] **(11)** Missouri Universal Service Board (board)—The board established by section 392.248.1, RSMo 2000 and comprised of members of the commission and the Public Counsel, which shall supervise the management of the MoUSF.

[(11)] **(12)** Missouri Universal Service Fund (MoUSF or Fund)—The universal service fund established by section 392.248, RSMo 2000 to be used:

(A) To ensure the provision of reasonably comparable essential local telecommunications service, as defined in this rule, throughout the state including high cost areas, at just, reasonable, and affordable rates;

(B) To assist low-income customers and disabled customers in obtaining affordable essential telecommunications services;

(C) To pay the reasonable, audited costs of administering the MoUSF; and

(D) To permit eligible incumbent local exchange companies to recover the reasonably projected changes in revenues from reductions in Federal Universal Service Fund (USF) payments caused by changes to the Federal USF program announced by the FCC no later than December 31, 1997, as determined by the commission.

[(12)] **(13)** Net jurisdictional revenue—Net jurisdictional revenue shall include all revenues received by an applicable carrier from retail customers resulting from the provision of intrastate regulated telecommunications services, but shall not include revenue from payphone operations, taxes and uncollectibles. Revenues received from another provider of telecommunications services for the provision of switched and special exchange access services and for the provision of unbundled network elements and resold services, shall not be considered retail revenues.

[(13)] **(14)** Toll blocking—["Toll blocking"] is a service provided by carriers that lets customers elect not to allow the completion of outgoing toll calls from their telecommunications channel.

[(14)] **(15)** Toll control—["Toll control"] is a service provided by carriers that allows customers to specify a certain amount of toll usage that may be incurred on their telecommunications channel per month or per billing cycle.

*AUTHORITY: section 392.200.2, HB 1779, Second Regular Session, Ninety-fourth General Assembly, 2008 and sections 392.248 and 392.470.1, RSMo 2000.\* Original rule filed Aug. 15, 1997, effective April 30, 1998. Amended: Filed Oct. 30, 2002, effective July 30, 2003. Emergency amendment filed May 31, 2005, effective June 10, 2005, expired Feb. 15, 2006. Amended: Filed June 30, 2005, effective Feb. 28, 2006. Emergency amendment filed July 22, 2008, effective Aug. 1, 2008, expired Jan. 29, 2009. Amended: Filed July 22, 2008, effective Feb. 28, 2009. Emergency amendment filed May 18, 2012, effective June 1, 2012, expired February 28, 2013.*

*\*Original authority: 392.200, RSMo 1939, amended 1987, 1988, 1996, 2003, 2005, 2008; 392.248, RSMo 1996; and 392.470.1, RSMo 1987.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five-hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will cost private entities more than five hundred dollars (\$500) in the aggregate.*