

Jason Kander

Secretary of State
Administrative Rules Division

RULE TRANSMITTAL

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SECRETARY OF STATE
ADMINISTRATIVE RULES

COPY

Rule Number 4 CSR 240-28.010

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

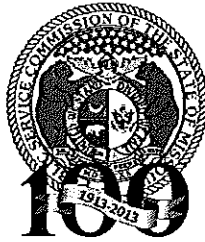
☐ YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

Small Business Regulatory
Fairness Board (DED) Stamp

SMALL BUSINESS
REGULATORY FAIRNESS BOARD
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JOINT COMMITTEE ON
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ADMINISTRATIVE RULES



Commissioners

ROBERT S. KENNEY
Chairman

STEPHEN M. STOLL

WILLIAM P. KENNEY

DANIEL Y. HALL

SCOTT T. RUPP

Missouri Public Service Commission

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JEFFERSON CITY, MISSOURI 65102
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SHELLEY BRUEGGEMANN
General Counsel

MORRIS WOODRUFF
Secretary

WESS A. HENDERSON
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 240-28.010 Definitions

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


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

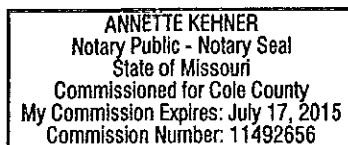
Morris L. Woodruff
Chief Regulatory Law Judge

Enclosures

STATE OF MISSOURI)
)
COUNTY OF COLE)

Mike Downing
Director
Department of Economic Development


Notary Public



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

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ADMINISTRATIVE RULES

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4 CSR 240-28.010 Definitions

PURPOSE: This rule defines various terms used in this chapter, which are not defined in 386.020 or 67.2677 RSMo.

- (1) Access line— A line connected to the customer's premises used to provide basic local telecommunications service or used to provide IVolP service.
- (2) Certification— The granting of a certificate of service authority by the commission or charter by the State of Missouri.
- (3) Commission— The Missouri Public Service Commission.
- (4) EFIS— The commission's Electronic Filing and Information System. EFIS is a system allowing the electronic exchange of commission filings. The system also maintains certain information about each company registered or certificated by the commission. EFIS may be accessed through the commission's web site at www.psc.mo.gov.
- (5) Detariff— To discontinue using a tariff to describe a company's rates, terms and conditions of service by withdrawing the tariff, in whole or in part, from the commission's electronic filing and information system.
- (6) Information and Referral (I&R) service— A service used to provide community and referral information. As used in this chapter, this term is associated with an arrangement whereby callers can access an I&R service by dialing "211".
- (7) Interconnection agreement— An agreement that is required to be filed with a state commission as contemplated by 47 U.S.C. 252 containing the terms, conditions, and rates associated with interconnection services.
- (8) Interconnection services— Services associated with the duties and obligations placed on telecommunications carriers as contemplated by 47 U.S.C. 251.
- (9) Intrastate— A telecommunications or IVolP service originating and terminating within Missouri regardless of how the service is routed.
- (10) Net Jurisdictional Revenue— This term is defined in 4 CSR 240-31.010(17).
- (11) Non-switched local exchange telecommunications service— Facilities solely dedicated to connecting a customer's locations within an exchange, which does not traverse the local public switched network.

JOINT COMMITTEE ON

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(12) Payphone service— Service providing two-way voice service for a fee to the general public using a privately owned device.

(13) Registration— The granting of a registration to provide interconnected voice over the Internet protocol service or video service by the commission.

(14) Retail service— Telecommunications or IVoIP service provided directly to end users.

(15) Shared tenant service— Generally the provisioning of a commercially shared telecommunications service provided to residents in a building or a common limited geographic area.

(16) Switched access service— A wholesale service that enables the origination or termination of interexchange telecommunication service. The service is provided to an interexchange company by a local telecommunications service provider.

(17) Tariff— A document submitted to the commission identifying the telecommunications services offered by a company and also identifying the rates, terms and conditions for the use of such services.

(18) Total Missouri Jurisdictional Operating Revenue— A company's total revenue associated with the provisioning of intrastate telecommunications and IVoIP services. This revenue includes a company's net jurisdictional revenue, wholesale revenues and any revenue received from the Missouri Universal Service Fund minus wholesale uncollectibles. Total Missouri jurisdictional operating revenue is annually reported and is used for the commission assessment.

(19) Wholesale service— Telecommunications or IVoIP services provided to other telecommunications or IVoIP service providers.

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 240-28.010

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.