

Jason Kander

Secretary of State
Administrative Rules Division

RULE TRANSMITTAL

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SEP 25 2015

SECRETARY OF STATE
ADMINISTRATIVE RULES

Rule Number 4 CSR 240-28.030

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

Name of person to call with questions about this rule:

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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:

Sections (1)(B) and (4) have been amended.

Small Business Regulatory
Fairness Board (DED) Stamp

JCAR Stamp

JOINT COMMITTEE ON
AUG 26 2015
ADMINISTRATIVE RULES



Commissioners

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Chairman

STEPHEN M. STOLL

WILLIAM P. KENNEY

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

Re: 4 CSR 240-28.030 Certification or Registration Requirements

Dear Secretary Kander,

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 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:

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Morris L. Woodruff
Chief Regulatory Law Judge

Enclosures

Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240 – Public Service Commission
Chapter 28 – Telecommunications IVoIP, Video Services

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SEP 25 2015

ORDER OF RULEMAKING

SECRETARY
ADMINISTRATIVE

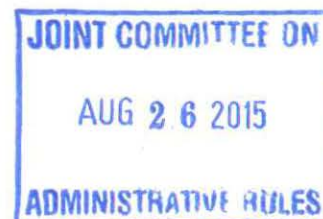
By the authority vested in the Public Service Commission under sections 386.040, 386.250, and 386.310 RSMo 2000, section 392.450 RSMo (Cum. Supp. 2013, and section 392.461, RSMo (Supp. 2014), the commission adopts a rule as follows:

4 CSR 240-28.030 Certification or Registration Requirements is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2015 (40 MoReg 556). 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 June 29, 2015, and the commission held a public hearing on the proposed rule on July 6, 2015. The commission received timely written comments from the Staff of the Commission (Staff); the Missouri Telecommunications Industry Association (MTIA); Southwestern Bell Telephone Company, d/b/a AT&T Missouri (AT&T); CenturyTel of Missouri, LLC d/b/a CenturyLink, Embark Missouri, Inc., d/b/a CenturyLink, Spectra Communications Group, LLC d/b/a CenturyLink, and CenturyTel of Northwest Arkansas, d/b/a CenturyLink (CenturyLink); the Missouri Cable Telecommunications Association (MCTA); Verizon; and Level 3 Communications (Level 3). In addition, the following people offered comments at the hearing: Kenneth A. Schiffman, for Sprint Communications Company, LP (Sprint); Leo Bub for AT&T; William D. Steinmeier and Pamela Halleck for Level 3; Stephanie Bell for MCTA; Becky Owenson Kilpatrick for CenturyTel; Richard Telthorst for MTIA; Matthew Feil for Windstream; and Colleen M. Dale and John Van Eschen for Staff.

COMMENT #1: Section 28.030(1) lists the forms of certification or registration the commission grants, and says a company may be granted "one or all" of these certifications. MTIA asks the commission to clarify the rule to indicate a company may be granted "one or more" certificates or registrations rather than "one or all. Staff concurs in that recommendation.



RESPONSE AND EXPLANATION OF CHANGE: The commission agrees the clarification is appropriate and will modify the section accordingly.

COMMENT #2: Staff advises the commission to insert the word "exchange" into section 28.030(1)(B) so it reads "non-switched local exchange telecommunications service."

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees the change is necessary and will modify the section accordingly.

COMMENT #3: Staff advises the commission to insert the word "exchange" into section 28.030(4) so it reads "non-switched local exchange telecommunications service."

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees the change is necessary and will modify the section accordingly.

COMMENT #4: MCTA notes a typographical error in paragraph 28.030(9)(A)2.

RESPONSE: The error that MCTA noted appears in the proposed rule document that the Commission initially sent to the Secretary of State, and which was included in the Commission's case file. However, that error was corrected before the proposed rule was published in the Register. The proposed rule as it was published in the Register is correct and no change is needed.

4 CSR 240-28.030 Certification or Registration Requirements

(1) The commission grants the following forms of certification or registration:

(B) Certificate of service authority to provide non-switched local exchange telecommunications service;

A company may be granted one (1) or more of these certifications or registrations, in a single application or in multiple applications.

(4) An application to provide basic local telecommunications service, non-switched local exchange telecommunications service, interexchange telecommunications service, and IVoIP service shall include the following requirements: