

Jason Kander

Secretary of State
Administrative Rules Division

RULE TRANSMITTAL

Administrative Rules Stamp

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APR 01 2015
SECRETARY OF STATE
ADMINISTRATIVE RULES

Rule Number 4 CSR 240-28.070

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
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 240-28.070 Tariffs

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

**AFFIDAVIT
PUBLIC COST**

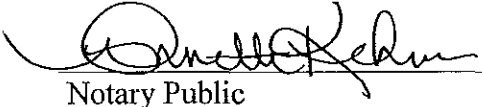
**STATE OF MISSOURI)
)
COUNTY OF COLE)**

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 240-28.070, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

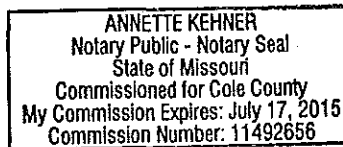


Mike Downing
Director
Department of Economic Development

Subscribed and sworn to before me this 12th day of March, 2014, 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



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

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ADMINISTRATIVE RULES

4 CSR 240-28.070 Tariffs

PURPOSE: This rule identifies tariff requirements applicable to telecommunications companies.

(1) A telecommunications company shall maintain a tariff for any commission-regulated wholesale service such as switched access service.

(2) A tariff is discretionary for any telecommunications company offering telecommunications service to residential or business retail end user customers. If a company does not use a tariff to describe a company's rates, terms, and conditions of service, the company shall maintain a publicly accessible website identifying retail prices for those services.

(3) All tariffs shall be electronically filed in EFIS. Tariff submissions shall be subject to the following requirements:

(A) A tariff submission to file a tariff or make changes to an existing tariff shall only be performed by an authorized company representative;

(B) A tariff submission shall comply with all EFIS tariff submission instructions. These instructions are located in EFIS under the "Help" selection on the main menu; and

(C) All requested and required information shall be input into the fields provided.

(4) Tariffs shall comply with the following format requirements:

(A) Bear a number with the following prefix: PSC Mo. No. __. Tariffs shall be numbered in consecutive order, starting with a No. 1 and continuing in numerical order. All sheets of the tariff shall have a sheet number in sequential number format;

(B) Each sheet of the tariff shall show in the top marginal space the name by which the company was certificated by the commission and by which the company is registered with the Missouri Secretary of State, The name, title and address of the issuing officer or company-designated representative shall appear in the bottom marginal space of each sheet, along with the notation "effective, __20__"; and

(C) All new tariffs or all new pages added to a tariff shall be designated as an original sheet. All changes to tariffs shall be submitted in the form of a revised tariff and must be designated as follows: "First revised sheet (page) canceling original sheet", "Second revised sheet (page) canceling first revised sheet", etc. and must contain reference marks denoting changes.

(5) If a company maintains a tariff and changes its name, then a company shall comply with 4 CSR 240-28.030(9)(D).

(6) A telecommunications company that detariffs or partially detariffs shall submit a letter addressed to the commission's secretary and signed by an authorized company representative.

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The letter should be electronically filed in EFIS using the "Revised Current Tariff" submission option. The letter shall address the following:

- (A) The company's intent to detariff;
- (B) The effective date for detariffing;
- (C) The tariff or tariff pages to be withdrawn; and
- (D) The website containing service descriptions and rate information. If this website subsequently changes then the company shall submit another letter into EFIS using the "Revised Current Tariff" submission option notifying the commission of the revised website.

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 240-28.070

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 IVoIP 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.