

Jason Kander

Secretary of State
Administrative Rules Division

RULE TRANSMITTAL

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SECRETARY OF STATE
ADMINISTRATIVE RULES

Rule Number 4 CSR 240-28.030

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

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ADMINISTRATIVE RULES



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ROBERT S. KENNEY
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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 240-28.030 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 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
Page 2

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

**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 240-28.030 Certification or Registration Requirements

PURPOSE: This rule identifies filing requirements for a certificate of service authority to provide telecommunications services or registration to provide IVoIP service or video service.

- (1) The commission grants the following forms of certification or registration:
- (A) Certificate of service authority to provide basic local telecommunications service;
 - (B) Certificate of service authority to provide non-switched local telecommunications service;
 - (C) Certificate of service authority to provide interexchange telecommunications service;
 - (D) Certificate of service authority to provide payphone service;
 - (E) Certificate of service authority to provide shared tenant services;
 - (F) Registration to provide IVoIP service; and
 - (G) Registration to provide video service.

A company may be granted one or all of these certifications or registrations, in a single application or in multiple applications.

(2) Applications for certification or registration shall be electronically filed as a new case submission in EFIS. Please refer to EFIS's Help section for assistance in determining the specific filing designation.

(3) Application requirements identified within this rule identify all requirements needed to apply for any of the certifications and registrations listed in Section (1). Application requirements contained in other Missouri Commission rules do not apply.

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

- (A) The following basic information about the applicant:
- 1. The applicant's legal name;
 - 2. The location of the applicant's principal place of business;
 - 3. The type of organization of the applicant (Missouri corporation, foreign corporation, partnership, proprietorship, other); and
 - 4. Jurisdiction where organized.
- (B) The applicant's proposed service area identified by telephone exchange.
- (C) A notarized affidavit signed by an officer or an authorized representative providing the following information:
- 1. A statement the application accurately reflects the proposed service area;
 - 2. The names of the principal executive officers of the applicant;
 - 3. A statement the applicant is legally, financially, and technically qualified to provide the service;

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ADMINISTRATIVE RULES

4. A statement the applicant will comply with all applicable state and federal laws and regulations imposed upon providers of the service;

5. A statement indicating the company's contact information within the commission's EFIS is current and will be updated in a timely manner;

6. A statement the applicant will comply with applicable assessments and taxes;

7. A statement the applicant will comply with annual reporting requirements established by the commission; and

8. A statement the applicant has established a process for handling inquiries from customers concerning billing issues, service issues, and other consumer-related complaints. This statement shall also explain where to direct consumer complaints.

(D) The application shall be submitted and signed by an attorney licensed to practice law in Missouri.

(E) An application for basic local telecommunications service shall include a statement indicating whether the applicant intends to file a tariff with the commission or maintain a web site identifying rates provided to residential or business retail end user customers. If an applicant intends to maintain a web site then the application shall identify the web site address. A tariff shall be filed for wholesale telecommunications services; tariffing requirements and options are described in 4 CSR 240-28.070.

(5) An application to provide video service shall include the following requirements:

(A) Basic information about the applicant—

1. The applicant's legal name; and

2. The location of the applicant's principal place of business.

(B) The applicant's proposed service area identified by political subdivision along with the franchise fee, if any, applied by the political subdivision.

(C) A notarized affidavit signed by an officer or an authorized representative providing the following information:

1. A statement the application accurately reflects the proposed service area and applicable franchise fees;

2. The names of the principal executive officers of the applicant;

3. A statement the applicant is legally, financially, and technically qualified to provide the service;

4. A statement the applicant will comply with all applicable state and federal laws and regulations imposed upon providers of the service;

5. A statement indicating the company's contact information within EFIS is current and will be updated in a timely manner;

6. A statement that the applicant has filed or will timely file with the Federal Communications Commission all forms required by that agency for offering video service; and

7. A statement that the applicant will comply with all applicable regulations concerning use of the public right-of-ways as provided in 67.1830 to 67.1846 RSMo 2000.

(D) The application shall be submitted and signed by an attorney licensed to practice law in Missouri.

(6) An application to provide payphone service or shared tenant service shall include the following requirements:

(A) Basic information about the applicant—

1. The applicant's legal name; and
2. The location of the applicant's principal place of business.

(B) A statement indicating the company's contact information within the EFIS is current and will be updated in a timely manner.

(C) A statement the applicant agrees to comply with all applicable federal and state laws and regulations.

(E) A statement that the applicant agrees to provide a complete list of served locations at the Commission's request.

(F) Information about the proposed service locations—

1. The number of locations to be served;
2. The street address of the location(s) to be served; and
3. The description of the premises to be served (hospital, offices, etc.)

(G) The application shall be submitted and signed by an attorney licensed to practice law in Missouri.

(7) A certificated or registered provider may change its service area by filing a Notice of Change application.

(A) This application shall contain all of the same information required for the initial application with the following adjustments:

1. The provider shall indicate the date and case number(s) associated with the provider's initial certification or registration; and

2. A description as to how the applicant's proposed service area will change. Video service providers adding political subdivisions shall include the franchise fee applied by the political subdivision.

(B) A Notice of Change application shall be submitted and signed by an attorney licensed to practice law in Missouri.

(C) Payphone providers are not required to submit a Notice of Change application.

(8) Unless otherwise authorized by Statute, commission certification or registration shall not be transferrable. Transactions involving the sale, merger or consolidation of a company with existing certification or registration do not require commission approval. The notice requirements identified in Sections (9) and (10) of this rule shall apply if a transaction results in a name change for the company with existing certification or registration or if a transaction results in the cancellation of a company's existing certification or registration.

(9) All companies with certification or registration to provide IVoIP service, video service or any form of telecommunications service including shared tenant service or payphone service shall provide notice to the commission of any name changes. Notice shall be provided to the commission on or before the effective date of the name change. Name change notification requirements are listed below:

(A) The company shall submit to the Commission a letter containing the following information:

1. A statement clearly setting out the old name and new name of the company;
2. Evidence the new name has been registered with the Missouri of Secretary of

State;

3. A statement indicating if existing customers have been or will be notified about the company's new name; and

4. A statement that the company has reviewed and if necessary updated the company's contacts as listed in EFIS.

(B) The letter can be signed by a company official and does not need to be signed or filed by an attorney.

(C) The letter shall be electronically filed as a new case submission in the EFIS.

(D) If a telecommunications company changes its name and maintains a tariff then in addition to the notification requirements in Subsection (A) the company shall—

1. File a new tariff reflecting the new name of the company and cancel the existing tariff; or,

2. File a one-page Adoption Notice and a revised title page to the existing tariff with a one day effective date. The Adoption Notice shall substantially contain the following language: "The (new name of company) hereby adopts, ratifies, and makes its own, in every respect as if the same had been originally filed by it, all tariffs filed with the Public Service Commission, State of Missouri by the (name of old company) prior to (date)."

(10) Notice shall be provided to the commission to cancel certification(s) or registration(s) previously granted by the commission. Such notice shall comply with the following requirements:

(A) The company shall submit written notice to the commission a letter containing the following information:

1. A statement requesting cancellation of a company's certification or registration and citing the specific certificates of service authority and/or registrations; and

2. If the company also has a currently effective tariff then the letter shall also request cancellation of the company's tariff.

(B) The letter can be signed by a company official and does not need to be signed or filed by an attorney.

(C) The letter shall be electronically filed in EFIS.

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.*

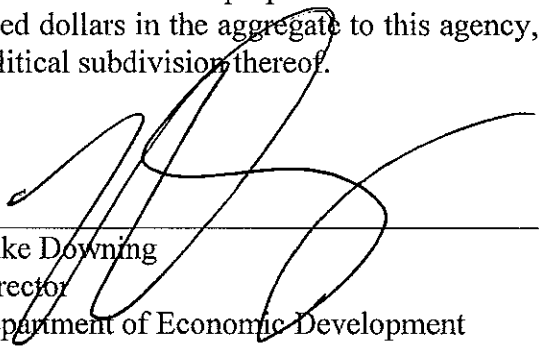
NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: *Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Morris L. Woodruff, Secretary of the Commission, PO Box 360, Jefferson City, MO*

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.

**AFFIDAVIT
PUBLIC COST**

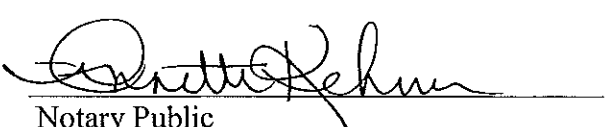
STATE OF MISSOURI)
)
COUNTY OF COLE)

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 240-28.030, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

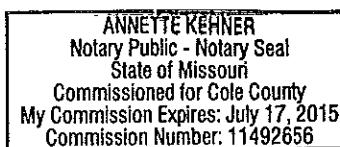


Mike Downing
Director
Department of Economic Development

Subscribed and sworn to before me this 12th day of March, 2015, 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



Small Business Regulator Fairness Board

Small Business Impact Statement

Date: October 28, 2014

Rule Number: 4 CSR 240-28.030

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.