

# Jason Kander

Secretary of State  
Administrative Rules Division

RULE TRANSMITTAL

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SECRETARY OF STATE  
ADMINISTRATIVE RULES

Rule Number 4 CSR 240-28.090

**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

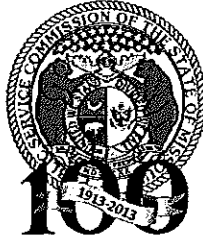
YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

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



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 240-28.090 Service

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



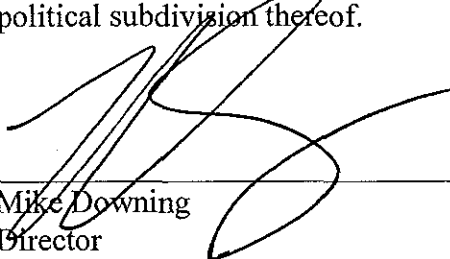
Morris L. Woodruff  
Chief Regulatory Law Judge

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 240-28.090, 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 12<sup>th</sup> 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

ANNETTE KEHNER  
Notary Public - Notary Seal  
State of Missouri  
Commissioned for Cole County  
My Commission Expires: July 17, 2015  
Commission Number: 11492656

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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 240-28.090 211 Service**

*PURPOSE: This rule identifies requirements for an entity providing Information and Referral Services accessible by dialing "211" in Missouri.*

(1) An entity shall be authorized by the commission to provide information and referral (I&R) services accessible by callers dialing "211" in Missouri. Only one (1) I&R provider shall be authorized per area. The commission will only consider authorizing an entity accredited by the Alliance of Information and Referral Systems. The application shall be electronically filed as a new case submission in EFIS.

(2) An application for authorization to provide I&R services accessible by callers dialing 211 shall contain the following information:

(A) Basic information about the applicant, including:

1. The applicant's legal name;
2. The type of organization of the applicant (Missouri corporation, foreign corporation, partnership, proprietorship, other);
3. Applicant's street address;
4. Applicant's mailing address;
5. Applicant's electronic mail address; and
6. Applicant's fax number.

(B) A statement that the applicant is a not-for-profit organization as defined by section 501(c)(3) of the federal tax code or is a county, municipality, political subdivision, or agency of the state of Missouri.

(C) A statement that the 211 telephone line will be monitored twenty-four (24) hours a day, seven (7) days a week by one (1) of the of the following:

1. The applicant's personnel;
2. The personnel of another Missouri I&R Provider under subcontract with the applicant; or
3. The personnel of a qualified human services entity under subcontract with the applicant.

(D) A statement that the 211 telephone line will not be answered through an answering service or answering machine.

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

1. The location of the principal place of business and the names of the principal executive officers of the applicant;
2. A statement the applicant is legally, financially, and technically qualified to provide the service;
3. A statement listing the exchanges to be served;
4. A statement the applicant is ready, willing, able and will comply with all commission rules and policies;

**JOINT COMMITTEE ON**  
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5. A statement the applicant will be responsible for all costs of provisioning the service; and

6. A statement the applicant is accredited by the Alliance of Information and Referral Systems.

(2) Authorization granted by the commission will be for a period of three (3) years. An I&R provider with authorization to receive 211 dialed calls shall reapply for authority with the commission at least ninety (90) days prior to the expiration of the provider's authorization.

(3) An I&R provider with authorization to receive 211 dialed calls shall file an annual report with the commission.

(A) The annual report shall document information and referral services provided including:

1. The geographical areas served;
2. Call volume;
3. Average speed of answering calls;
4. Average call length;
5. Number of abandoned calls;
6. Information on inquired needs;
7. Information on unmet needs; and
8. Barriers to service.

(B) The deadline to submit a completed annual report is April 15<sup>th</sup>. The report shall cover the previous calendar year.

(C) Annual reports shall be submitted electronically into EFIS as a non-case related submission.

(D) An annual report will be a public document.

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 240-28.090

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.*