

John R. Ashcroft

Secretary of State
Administrative Rules Division

RULE TRANSMITTAL

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SECRETARY OF STATE
ADMINISTRATIVE RULES

Rule Number 4 CSR 240-28.013

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 Christine Koenigsfeld Phone 573-751-4256 FAX 573-526-6010

Email address Christine.Koenigsfeld@psc.mo.gov

Interagency mailing address Public Service Commission, 9th Floor Gov. Office Bldg, JC, Mo
TYPE OF RULEMAKING ACTION TO BE TAKEN

☐ Emergency Rulemaking ☐ Rule ☐ Amendment ☐ Rescission ☐ Termination

Effective Date for the Emergency _____

☐ Proposed Rulemaking ☐ Rule ☐ Amendment ☐ Rescission

☐ Rule Action Notice ☐ In Addition ☐ Rule Under Consideration

☐ Request for Non-Substantive Change

☐ Statement of Actual Cost

☒ Order of Rulemaking ☐ Withdrawal ☒ Adopt ☐ Amendment ☐ Rescission

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), and (2)(B), (C), and (D)

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JCAR Stamp

SEP 05 2018

STATE CAPITOL
201 W. CAPITOL AVENUE, ROOM 216
JEFFERSON CITY, MISSOURI 65101



(573) 751-3222
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Michael L. Parson

GOVERNOR
STATE OF MISSOURI

August 30, 2018

Mr. Daniel Hall
Public Service Commission
200 Madison Street
PO Box 360
Jefferson City, MO 65102

RE: *Proposed Rulemaking*

Dear Daniel:

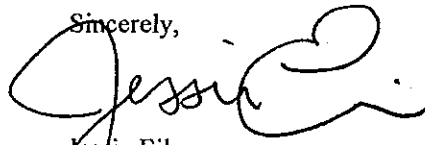
This office has received your proposed amendments, rules and rescissions for the regulations listed below.

- 4 CSR 240-28.010 – Definitions (proposed amendment)
- 4 CSR 240-31.010 – Definitions (proposed amendment)
- 4 CSR 240-28.011 – Certificate of Service Authority and/or Registration (proposed rule)
- 4 CSR 240-28.012 – Annual Reports, Statements of Revenue, and Assessments (proposed rule)
- 4 CSR 240-28.013 – Tariff Filings and Interconnection Agreements (proposed rule)
- 4 CSR 240-28.014 – Network Configuration (proposed rule)
- 4 CSR 240-28.015 – 211 Service (proposed rule)
- 4 CSR 240-28.016 – Telephone Numbering (proposed rule)
- 4 CSR 240-31.011 – Missouri USF Administration (proposed rule)
- 4 CSR 240-31.012 – Missouri USF Assessment (proposed rule)
- 4 CSR 240-31.013 – Missouri USF High Cost Support (proposed rule)
- 4 CSR 240-31.014 – Lifeline and Disabled Programs (proposed rule)
- 4 CSR 240-31.015 – ETC Requirements (proposed rule)
- 4 CSR 240-31.016 – ETC Application Requirements (proposed rule)
- 4 CSR 240-28.020 – General Provisions (proposed rescission)
- 4 CSR 240-28.030 – Certification or Registration Requirements (proposed rescission)
- 4 CSR 240-28.040 – Reporting Requirements (proposed rescission)
- 4 CSR 240-28.050 – Assessment Requirements (proposed rescission)
- 4 CSR 240-28.060 – Service Requirements (proposed rescission)
- 4 CSR 240-28.070 – Tariffs (proposed rescission)
- 4 CSR 240-28.080 – Interconnection Agreements (proposed rescission)
- 4 CSR 240-28.090 – 211 Service (proposed rescission)
- 4 CSR 240-31.020 – Organization, Powers, and Meetings of the Board (proposed rescission)
- 4 CSR 240-31.030 – The MoUSFA (proposed rescission)
- 4 CSR 240-31.040 – Eligibility for Funding – High Cost Areas (proposed rescission)
- 4 CSR 240-31.060 – The MoUSF Assessment (proposed rescission)
- 4 CSR 240-31.090 – Disbursement of MoUSF Funds (proposed rescission)
- 4 CSR 240-31.100 – Review Procedures for Support Payments (proposed rescissions)

- 4 CSR 240-31.110 -- Review of Board and MoUSFA Activities (proposed rescission)
- 4 CSR 240-31.120 -- Lifeline Programs and Disabled Programs (proposed rescissions)
- 4 CSR 240-31.130 -- Eligible Telecommunications Carrier Requirements (proposed rescission)
- 4 CSR 240-37.010 -- General Provisions (proposed rescission)
- 4 CSR 240-37.020 -- Definitions (proposed rescission)
- 4 CSR 240-37.030 -- Thousands-Block Number Pooling (proposed rescission)
- 4 CSR 240-37.040 -- Request for Review of the Decisions of the North American Numbering Plan Administrator or the Thousands-Block Pooling Administrator (proposed rescission)
- 4 CSR 240-37.050 -- Reclamation (proposed rescission)
- 4 CSR 240-37.060 -- Reporting Requirements (proposed rescission)

Executive Order 17-03 requires this office's approval before state agencies release proposed regulations for notice and comment, amend existing regulations, rescind regulations, or adopt new regulations. After our review of this rulemaking, we approve the submission of these amendments, rules and rescissions to the Joint Committee on Administrative Rules and the Secretary of State.

Sincerely,



Jessie Eiler
Deputy Counsel



Commissioners
DANIEL Y. HALL
Chairman
WILLIAM P. KENNEY
SCOTT T. RUPP
MAIDA J. COLEMAN
RYAN A. SILVEY

Missouri Public Service Commission

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Director of Administration
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Staff Director

John Ashcroft
Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, Missouri 65101

Re: 4 CSR 240-28.013 Tariff Filings and Interconnection Agreements

Dear Secretary Ashcroft,

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, 392.450, and 392.461, RSMo 2016.

If there are any questions regarding the content of this order of 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

Morris L. Woodruff
Chief Regulatory Law Judge

Enclosures

**Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240 – Public Service Commission
Chapter 28 – Communications**

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SECRETARY OF STATE
ADMINISTRATIVE RULES

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ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.040, 386.250, 386.310, 392.450, and 392.461 RSMo 2016, the commission adopts a rule as follows:

4 CSR 240-28.013 Tariff Filings and Interconnection Agreements is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 15, 2018 (43 MoReg 984). 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 July 2, 2018, and the commission held a public hearing on the proposed rule on July 9, 2018. The commission received timely written comments from AT&T, Missouri Cable Telecommunications Association (MCTA), CenturyLink, Windstream Missouri, Verizon, the Small Telephone Company Group and Missouri Independent Telephone Company Group (STCG), the Missouri Telecommunications Industry Association (MTIA), and the staff of the commission. Whitney Payne, representing the commission's staff; Richard Telthorst, on behalf of MTIA; Brian McCartney, representing STCG; and Craig Johnson representing Chariton Valley Communications, appeared at the hearing and offered comments.

COMMENT #1: AT&T and MTIA urge the commission to retain the current process set out in section 28.080(2) – a provision that the commission is rescinding - under which a carrier can object to the adoption of one of its interconnection agreements and thereby bring the dispute to the commission's attention for resolution.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees that any adoption of an interconnection agreement is subject to objections. The provision of subsection 28.080(2)(D) regarding such objections will be incorporated as a new subsection 28.013(2)(C). The subsequent subsection will be renumbered.



COMMENT #2: MTIA and MCTA note that section 28.070(1) of the commission's current rules requires telecommunications companies to maintain a tariff for any commission-regulated wholesale service, such as exchange access service. That section is to be rescinded and section 28.013(1) of the proposed rule makes maintenance of a tariff discretionary for retail telecommunications services, but is silent as to wholesale services. MTIA and MCTA ask the commission to retain the tariff filing requirement for wholesale services.

RESPONSE AND EXPLANATION OF CHANGE: By specifically referring to the discretionary maintenance of retail tariffs without mentioning wholesale services, the commission did not intend to imply that tariffs for wholesale services were no longer required. But to avoid any confusion, the commission will incorporate the existing rule regarding wholesale services tariffs into section 28.013(1).

4 CSR 240-28.013 Tariff Filings and Interconnection Agreements.

(1) Maintaining a tariff with the commission is discretionary for retail telecommunications services, as provided in Section 392.461, RSMo. The commission's website contains information about tariff format as well as the process for cancelling and no longer maintaining a tariff. A telecommunications company must maintain a tariff for any commission-regulated wholesale service such as exchange access service.

(2) Interconnection agreements are filed and maintained in EFIS as identified below. Additional filing instructions may be found on the commission's website.

(B) An adoption of an approved interconnection agreement and any amendment that has been previously approved by the commission may be requested by filing a letter to the secretary of the commission. Approved interconnection agreements whose original term has expired, but which remain in effect pursuant to term renewal or extension provisions, are subject to adoption for as long as the interconnection agreement remains subject to the renewal or extension provisions.

(C) Any adoption is subject to objection. The commission will send notice to the non-signing party allowing twenty (20) days for objection. If no objection is filed, the adoption will be approved by the commission. If an objection is filed, the commission will determine whether the adoption should be approved or rejected.

(D) The incumbent basic local exchange telecommunications company that is a party to any interconnection agreement that is terminated shall notify the secretary of the commission of its termination by filing a letter in a new case.