

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 33—Service and Billing Practices  
for Telephone Utilities**

**PROPOSED RESCISSION**

**4 CSR 240-33.050 Deposits and Guarantees of Payment.** This rule established uniform standards dealing with the application and requirements of deposits and guarantee of payment so that reasonable and uniform standards existed regarding deposits and guarantees required by telephone utilities.

*PURPOSE: This rule is being rescinded and resubmitted to avoid confusion because of the many changes being proposed.*

*AUTHORITY: section 386.250(II), RSMo 1986. Original rule filed Jan. 14, 1977, effective Oct. 1, 1977. Amended: Filed Dec. 31, 1979, effective Sept. 2, 1980. Rescinded: Filed Aug. 26, 1999.*

*PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, P.O. Box 360, Jefferson City, MO 65102, (573) 751-3234. To be considered, comments shall be filed on or before November 12, 1999. Comments should refer to Case No. TX-2000-164, and be filed with an original and fourteen copies. A public hearing is scheduled for November 15, 1999, at 9:00 a.m. in room 520B of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri, for interested persons to appear and respond to commission questions.*

*SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211, or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 33—Service and Billing Practices for  
[Telephone Utilities] Telecommunications Companies**

**PROPOSED RULE**

**4 CSR 240-33.050 Deposits and Guarantees of Payment for Residential Customers**

*PURPOSE: This rule establishes uniform standards dealing with the application and requirements of deposits and guarantee of payment so that reasonable and uniform standards exist regarding deposits and guarantees required by telecommunications companies.*

(1) A telecommunications company may require a deposit or guarantee as a condition of new service within thirty (30) calendar days of the telecommunications company providing service.

(2) A telecommunications company may require a deposit or guarantee as a condition of continued service under either of the following circumstances:

(A) The customer has delinquent charges in two (2) out of the last twelve (12) billing periods. A telecommunications company, with respect to each customer, shall maintain a record of all charges which have become delinquent within the last twelve (12) billing periods; or

(B) The customer has had service discontinued under 4 CSR 240-33.070(1)(A) or (B) at any time during the preceding twelve (12) billing periods.

(3) No deposit, guarantee, additional deposit nor additional guarantee shall be required by a telecommunications company because of race, sex, creed, national origin, marital status, age, number of dependents, source of income, disability or geographical area of residence.

(4) A deposit shall be subject to the following terms:

(A) It shall not exceed estimated charges for two (2) months' service based on the average bill during the preceding twelve (12) months, or, in the case of new applicants for service, the average monthly bill for new subscribers within a customer class;

(B) It shall bear interest at a rate which is equal to one percent (1%) above the prime lending rate as published in the *Wall Street Journal*. This rate shall be adjusted annually on October 1 using the prime lending rate, as published in the *Wall Street Journal* on the last business day of September of each year, plus one percent (1%). The interest shall be credited annually upon the account of the customer or paid upon the return of the deposit, whichever occurs first. Interest shall not accrue on any deposit after the date on which a reasonable effort has been made to return it to the customer. Records shall be kept of efforts made to return a deposit;

(C) Upon discontinuance or termination, it shall be credited, with accrued interest, to the charge stated on the final bill and the balance, if any, shall be returned to the customer within twenty-one (21) days of the rendition of such final bill;

(D) Upon satisfactory payment of all undisputed charges during the last twelve (12) billing periods, it shall with accrued interest be promptly refunded or credited against charges stated on subsequent bills. A telecommunications company may withhold refund of a deposit pending the resolution of a dispute with respect to charges secured by such deposit;

(E) A telecommunications company shall maintain records which show the name of each customer who has posted a deposit, the current address of such customer, the date and amount of deposit, the date and amount of interest paid and the earliest possible refund date;

(F) A telecommunications company shall upon request provide within ten (10) days a receipt that contains the following information:

1. Name of customer;
2. Address where the service for which the deposit is required will be provided;
3. Place where deposit was received or a designated code which identifies the location;
4. Date when the deposit was received;
5. Amount of the deposit; and
6. The terms which govern retention and refund of the deposit;

(G) The telecommunications company shall, pursuant to 4 CSR 240-33.040(6)(J), specify on a customer's bill the amount of any deposit the telecommunications company holds for the customer. A telecommunications company shall maintain a record of the deposit refunded and interest paid on such deposit for a period of at least two (2) years after the refund is made; and

(H) A telecommunications company shall permit a customer, concurrent with the beginning of service, to post a deposit in two

(2) equal monthly installments or as otherwise agreed upon. A company may bill these installments as a line-item on customer bills.

(5) In lieu of a deposit a telecommunications company may accept a written guarantee. The guarantee shall not exceed the amount of a cash deposit that the telecommunications company could request under this section.

(6) A guarantor shall be released upon satisfactory payment of all undisputed charges during the last twelve (12) billing periods. Payment of a charge is satisfactory if received prior to the date upon which the charge becomes delinquent, provided it is not in dispute. All telecommunications companies shall provide to the commission upon request credit criteria and screening procedures, standardized record keeping and verification procedures for uncollectible accounts and an interest rate level for deposits.

(7) A telecommunications company may request an advance payment for the limited purpose of securing payment of installation charges, if applicable for that customer, and one (1) month's estimated charges for services requested by the customer unless otherwise approved by the commission and specified in the telecommunications company tariff.

*AUTHORITY: sections 386.040, RSMo 1994 and 386.250 and 392.200, RSMo Supp. 1998. Original rule filed Jan. 14, 1977, effective Oct. 1, 1977. Amended: Filed Dec. 31, 1979, effective Sept. 2, 1980. Rescinded and readopted: Filed Aug. 26, 1999.*

*PUBLIC ENTITY COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE ENTITY COST: This proposed rule is estimated to cost private entities \$13,350 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, P.O. Box 360, Jefferson City, MO 65102, (573) 751-3234. To be considered, comments shall be filed on or before November 12, 1999. Comments should refer to Case No. TX-2000-164, and be filed with an original and fourteen copies. A public hearing is scheduled for November 15, 1999, at 9:00 a.m. in room 520B of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri, for interested persons to appear and respond to commission questions.*

*SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211, or TDD Hotline 1-800-829-7541.*

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 4 – Department of Economic Development

Division: 240 – Public Service Commission

Chapter: 33 – Service and Billing Practices for Telecommunications Companies

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 240-33.050 Deposits and Guarantees of  
Payment for Residential Customers

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification* by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
	Class A Local Telephone Companies	
4	Class B Local Telephone Companies	\$13,350 (See worksheet Item 1A)
	Class C Local Telephone Companies	
	Class Interexchange Companies	
	Class Payphone Providers	
4		\$13,350

\* Class A Telephone Companies are incumbent local telephone companies with more than \$100,000,000 annual revenues system wide; Class B Telephone Companies are incumbent local telephone companies with \$100,000,000 annual revenues or less system wide; Class C Local Telephone Companies are all other companies certificated to provide basic local exchange telecommunications services, Class Interexchange Companies are long distance providers; Class Payphone Providers are private payphone providers.

### III. WORKSHEET

1. A draft of the proposed rule was distributed to Class A Telephone Companies, Class B Telephone Companies, Class C Local Telephone Companies, Class Interexchange Companies, and Class Payphone Providers certificated by the Missouri Public Service Commission as of June 1998. These companies were requested to review the rule and provide any projected fiscal impact projections, should the rule be approved as drafted. The above information reflects the responses of these companies.
  - A. Class B Companies
    - i. BPS, Kingdom and Farber Telephone Companies state that the interest rate expense increase would cost them \$2,150, \$7,200 and \$3,000, respectively.
    - ii. Northeast Missouri Telephone Company estimates that programming changes to give information on bills pursuant to 4E of the rule would cost it \$1,000.
2. The estimated number of entities affected by the proposed rule reflects the number of companies responding with fiscal impact information.
3. Cost of compliance with the rule by the affected entities reflects the total projected cost over a five year period for those companies who have responded with projected fiscal impact information. Some entities indicated their actual cost may be greater than the amount projected.

### IV. ASSUMPTIONS

1. The life of the rule is estimated at five years.
2. Fiscal year 1998 dollars are used to estimate costs. No adjustment for inflation is applied.
3. Estimates assume no sudden change in technology that would influence costs.
4. Affected entities are assumed to be in compliance with all other MoPSC rules and regulations.
5. The universe of entities is based on fiscal year 1998 data and is assumed to remain constant.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 33—Service and Billing Practices  
for Telephone Utilities**

**PROPOSED RESCISSION**

**4 CSR 240-33.060 Inquiries.** This rule established procedures to be followed when customers made inquiries of telephone utilities so that such inquiries were handled in a reasonable manner.

*PURPOSE: This rule is being rescinded and resubmitted to avoid confusion because of the many changes being proposed.*

*AUTHORITY: sections 386.040, 386.250 and 392.200, RSMo 1986. Original rule filed Jan. 14, 1977, effective Oct. 1, 1977. Rescinded: Filed Aug. 26, 1999.*

*PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, P.O. Box 360, Jefferson City, MO 65102, (573) 751-3234. To be considered, comments shall be filed on or before November 12, 1999. Comments should refer to Case No. TX-2000-165, and be filed with an original and fourteen copies. A public hearing is scheduled for November 15, 1999, at 9:00 a.m. in room 520B of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri, for interested persons to appear and respond to commission questions.*

*SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211, or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 33—Service and Billing Practices for  
[Telephone Utilities] Telecommunications Companies**

**PROPOSED RULE**

**4 CSR 240-33.060 Residential Customer Inquiries**

*PURPOSE: This rule establishes procedures to be followed when residential customers make inquiries of telecommunications companies so that such inquiries are handled in a reasonable manner.*

(1) A telecommunications company shall adopt procedures which will ensure the prompt and thorough receipt, investigation and, where possible, resolution of inquiries. The telecommunications company, upon request, shall submit the procedures to the commission and the telecommunications company shall notify the commission of any substantive changes in these procedures prior to their implementation.

(2) A telecommunications company shall establish personnel procedures which ensure that personnel shall be available during normal business hours to accept customer inquiries within a reasonable time after such inquiries are made by telephone or in person. Within a reasonable time after accepting such an inquiry, a telecommunications company will make available appropriate personnel to handle the inquiry. A telecommunications company shall provide a toll-free telephone number for customer inquiries.

(3) A telecommunications company shall prepare a statement which in layman's terms describes the rights and responsibilities of the telecommunications company and its customers under this chapter. This statement shall appear in the front part of the telephone directory or the telecommunications company will mail or otherwise deliver such statement to its existing and new customers. Upon request the statement shall be submitted to the commission, its staff, or Office of the Public Counsel. The statement shall include descriptions of:

- (A) Billing procedures;
- (B) Customer payment requirements and procedures;
- (C) Deposit and guarantee requirements;
- (D) Conditions of termination, discontinuance and reconnection of service;
- (E) Procedures for handling inquiries;
- (F) A procedure whereby a customer may avoid discontinuance of service during a period of absence;
- (G) Complaint procedures under 4 CSR 240-2.070;
- (H) The telephone number and address of all offices of the Missouri Public Service Commission and the statement that this company is regulated by the Missouri Public Service Commission; and
- (I) The address and telephone number of the Office of the Public Counsel and a statement of the function of that office.

*AUTHORITY: sections 386.040, RSMo 1994 and 386.250 and 392.200, RSMo Supp. 1998. Original rule filed Jan. 14, 1977, effective Oct. 1, 1977. Rescinded and readopted: Filed Aug. 26, 1999.*

*PUBLIC ENTITY COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE ENTITY COST: This proposed rule is estimated to cost private entities \$300,000 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, P.O. Box 360, Jefferson City, MO 65102, (573) 751-3234. To be considered, comments shall be filed on or before November 12, 1999. Comments should refer to Case No. TX-2000-165, and be filed with an original and fourteen copies. A public hearing is scheduled for November 15, 1999, at 9:00 a.m. in room 520B of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri, for interested persons to appear and respond to commission questions.*

*SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211, or TDD Hotline 1-800-829-7541.*

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**Title: 4 – Department of Economic DevelopmentDivision: 240 – Public Service CommissionChapter: 33 – Service and Billing Practices for Telecommunications CompaniesType of Rulemaking: Proposed RuleRule Number and Name: 4 CSR 240-33.060 Residential Customer Inquiries**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification* by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
	Class A Local Telephone Companies	
	Class B Local Telephone Companies	
	Class C Local Telephone Companies	
	Class Interexchange Companies	
1	Class Payphone Providers	\$300,000 (See worksheet Item 1A)
1	All entities	\$300,000

\* Class A Telephone Companies are incumbent local telephone companies with more than \$100,000,000 annual revenues system wide; Class B Telephone Companies are incumbent local telephone companies with \$100,000,000 annual revenues or less system wide; Class C Local Telephone Companies are all other companies certificated to provide basic local exchange telecommunications services, Class Interexchange Companies are long distance providers; Class Payphone Providers are private payphone providers.

**III. WORKSHEET**

1. A draft of the proposed rule was distributed to Class A Telephone Companies, Class B Telephone Companies, Class C Local Telephone Companies, Class

Interexchange Companies, and Class Payphone Providers certificated by the Missouri Public Service Commission as of June 1998. These companies were requested to review the rule and provide any projected fiscal impact projections, should the rule be approved as drafted. The above information reflects the responses of these companies.

- A. Talton estimates that the rule would cost it \$300,000 because of the requirement to give rights and responsibilities statements to customers
2. The estimated number of entities affected by the proposed rule reflects the number of companies responding with fiscal impact information.
3. Cost of compliance with the rule by the affected entities reflects the total projected cost over a five year period for those companies who have responded with projected fiscal impact information. Some entities indicated their actual cost may be greater than the amount projected.

#### **IV. ASSUMPTIONS**

1. The life of the rule is estimated at five years.
2. Fiscal year 1998 dollars are used to estimate costs. No adjustment for inflation is applied.
3. Estimates assume no sudden change in technology that would influence costs.
4. Affected entities are assumed to be in compliance with all other MoPSC rules and regulations.
5. The universe of entities is based on fiscal year 1998 data and is assumed to remain constant.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 33—Service and Billing Practices  
for Telephone Utilities**

**PROPOSED RESCISSION**

**4 CSR 240-33.070 Discontinuance of Service.** This rule prescribed the conditions under which service to a customer might be discontinued and procedures followed by telephone utilities and customers regarding these matters so that reasonable and uniform standards existed for the discontinuance of service.

*PURPOSE: This rule is being rescinded and resubmitted to avoid confusion because of the many changes being proposed.*

*AUTHORITY: sections 386.040, 386.250 and 392.200, RSMo 1986. Original rule filed Jan. 14, 1977, effective Oct. 1, 1977. Amended: Filed July 5, 1983, effective Feb. 11, 1984. Emergency amendment filed Dec. 20, 1983, effective Jan. 1, 1984, expired Feb. 11, 1984. Rescinded: Filed Aug. 26, 1999.*

*PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.*

**NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING:** *Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, P.O. Box 360, Jefferson City, MO 65102, (573) 751-3234. To be considered, comments shall be filed on or before November 12, 1999. Comments should refer to Case No. TX-2000-166, and be filed with an original and fourteen copies. A public hearing is scheduled for November 15, 1999, at 9:00 a.m. in room 520B of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri, for interested persons to appear and respond to commission questions.*

**SPECIAL NEEDS:** *Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211, or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 33—Service and Billing Practices for  
[Telephone Utilities] Telecommunications Companies**

**PROPOSED RULE**

**4 CSR 240-33.070 Discontinuance of Service to Residential Customers**

*PURPOSE: This rule prescribes the conditions under which service to a residential customer may be discontinued and procedures to be followed by telecommunications companies and residential customers regarding these matters so that reasonable and uniform standards exist for the discontinuance of service.*

(1) Telecommunications service may be discontinued for any of the following reasons:

- (A) Nonpayment of a delinquent charge except as limited by sections (2), (3) and (4) of this rule;
- (B) Failure to post a required deposit or guarantee;
- (C) Unauthorized use of telecommunications company equipment in a manner which creates an unsafe condition or creates the possibility of damage or destruction to such equipment;
- (D) Failure to comply with terms of a settlement agreement;
- (E) Refusal after reasonable notice to permit inspection, maintenance or replacement of telecommunications company equipment;
- (F) Material misrepresentation of identity in obtaining telecommunications company service; or
- (G) As provided by state or federal law.

(2) Basic local telecommunications service may not be disconnected for customer nonpayment of a delinquent charge for other than basic local telecommunications services. The failure to pay charges not subject to commission jurisdiction shall not constitute cause for a discontinuance of basic local telecommunication service.

(3) Basic local telecommunications service shall not be discontinued on a day when the offices of a telecommunications company are not available to facilitate reconnection of basic local telecommunications service or on a day immediately preceding such day.

(4) Telecommunications service shall not be discontinued under section (1) of this rule unless written notice by first-class mail is sent or delivered to the customer at least ten (10) days prior to the date of the proposed discontinuance. Service of notice by mail is complete upon mailing. As an alternative, a telecommunications company may deliver a written notice by hand to the customer at least ninety-six (96) hours prior to discontinuance.

(5) A notice of discontinuance shall contain the following information:

- (A) The name and address and the telephone number of the customer;
- (B) A statement of the reason for the proposed discontinuance and the cost for reconnection;
- (C) The date after which service will be discontinued unless appropriate action is taken;
- (D) How a customer may avoid the discontinuance;
- (E) The customer's right to enter into a settlement agreement if the claim is for a charge not in dispute and the customer is unable to pay the charge in full at one time;
- (F) The telephone number where the customer may make an inquiry;
- (G) A statement that this notice will not be effective if the charges involved are part of an unresolved dispute; and
- (H) A statement of the exception for medical emergency under section (7) of this rule.

(6) At least twenty-four (24) hours preceding a discontinuance of basic local telecommunications service, a telecommunications company shall make reasonable efforts to advise the customer of the proposed discontinuance and what steps must be taken to avoid it. Reasonable efforts shall include either a written notice following the notice pursuant to section (4), a door hanger or at least two (2) telephone call attempts reasonably calculated to reach the customer.

(7) Notwithstanding any other provision of this chapter, a telecommunications company shall postpone a discontinuance for a time not in excess of twenty-one (21) days if service is necessary to obtain emergency medical assistance for a person who is a member of the household where the telephone service is provided and where such person is under the care of a physician. Any person who alleges such emergency, if requested, shall provide the



telecommunications company with reasonable evidence of such necessity.

(8) Upon the customer's request, a telecommunications company shall restore service consistent with all other provisions of this chapter when the cause of discontinuance has been eliminated.

(9) Payment by personal check may be refused if the customer, within the last twelve (12) months, has tendered payment in this manner and the check has been dishonored, except when the dishonor is due to bank error.

*AUTHORITY: sections 386.040, RSMo 1994, 386.250 and 392.200, RSMo Supp. 1998. Original rule filed Jan. 14, 1977, effective Oct. 1, 1977. Amended: Filed July 5, 1983, effective Feb. 11, 1984. Emergency amendment filed Dec. 20, 1983, effective Jan. 1, 1984, expired Feb. 11, 1984. Rescinded and readopted: Filed Aug. 26, 1999.*

*PUBLIC ENTITY COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE ENTITY COST: This proposed rule is estimated to cost private entities \$35,985,780 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, P.O. Box 360, Jefferson City, MO 65102, (573) 751-3234. To be considered, comments shall be filed on or before November 12, 1999. Comments should refer to Case No. TX-2000-166, and be filed with an original and fourteen copies. A public hearing is scheduled for November 15, 1999, at 9:00 a.m. in room 520B of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri, for interested persons to appear and respond to commission questions.*

*SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211, or TDD Hotline 1-800-829-7541.*

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**Title: 4 – Department of Economic DevelopmentDivision: 240 – Public Service CommissionChapter: 33 – Service and Billing Practices for Telecommunications CompaniesType of Rulemaking: Proposed RuleRule Number and Name: 4 CSR 240-33.070 Discontinuance of Service to  
Residential Customers**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification* by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
4	Class A Local Telephone Companies	\$27,865,040 (See worksheet Item 1A)
8	Class B Local Telephone Companies	\$579,580 (See worksheet Item 1B)
1	Class C Local Telephone Companies	\$41,160 (See worksheet Item 1C)
(see Worksheet Item No. 4)	Class Interexchange Companies	\$4,500,000 (See worksheet Item 1D)
1	Class Payphone Providers	\$3,000,000 (See worksheet Item 1E)
14 + (see Worksheet Item No. 4)	All entities	\$35,985,780

\* Class A Telephone Companies are incumbent local telephone companies with more than \$100,000,000 annual revenues system wide; Class B Telephone Companies are incumbent local telephone companies with \$100,000,000 annual revenues or less system wide; Class C Local Telephone Companies are all other companies certificated to provide basic local exchange telecommunications services, Class Interexchange Companies are long distance providers; Class Payphone Providers are private payphone providers.

### III. WORKSHEET

1. A draft of the proposed rule was distributed to Class A Telephone Companies, Class B Telephone Companies, Class C Local Telephone Companies, Class Interexchange Companies, and Class Payphone Providers certificated by the Missouri Public Service Commission as of June 1998. These companies were requested to review the rule and provide any projected fiscal impact projections, should the rule be approved as drafted. The above information reflects the responses of these companies.

#### A. Class A Companies

- i. SWBT estimates that \$25,211,040 would be spent to make two additional phone calls before customer disconnection for nonpayment.
- ii. Sprint estimates that five more days more before basic local can be disconnected will cost \$2.5 million, two additional telephone calls prior to service disconnection would cost \$65,000, and programming changes would cost \$89,000.

#### B. Class B Companies

- i. BPS Telephone Company estimates that written notice or two phone calls before disconnection of service would cost it \$8,750.
- ii. Citizens' Telephone Company estimates that this rule would cost \$1,000 to allocate payments between local and toll and \$1,800 for two telephone call attempts before disconnection of service.
- iii. Farber Telephone Company estimates that two extra telephone calls before disconnection would cost it \$28 (or \$1,680 for five years).
- iv. Kingdom Telephone Company estimates that this rule would cost \$500 to allocate payments between local and toll and the full service denial provision (2) would cost it \$500,000 (over \$100,000 per year). Two telephone calls prior to disconnection would cost it \$3,540.
- v. Green Hills Telephone Company estimates that the number of unpaid accounts from giving 10 days notice instead of five would increase and cost it \$3,600. Green Hills also estimates that two calls prior to disconnection would cost it \$5,550.00
- vi. NEMO estimates that the rule would cost it \$12,000 for two telephone calls prior to disconnection.
- vi. Mark Twain Communications estimates that would incur \$41,160 in costs to comply with sections 4,5 and 7 of the rule.

#### C. Class C company

- i. Mark Twain Communications estimates that would incur \$41,160 in costs to comply with sections 4,5 and 7 of the rule.

- D. Interexchange carriers, Total impact was \$4,500,000
    - i. Comp-Tel (unknown number of members).
  
  - E. Payphone Providers
    - i. Talton estimates that this rule would cost \$3 million in increased bad debts because toll service cannot be disconnected.
2. The estimated number of entities affected by the proposed rule reflects the number of companies responding with fiscal impact information.
  
  3. Cost of compliance with the rule by the affected entities reflects the total projected cost over a five year period for those companies who have responded with projected fiscal impact information. Some entities indicated their actual cost may be greater than the amount projected.
  
  4. The projected fiscal impact was presented by a group of members of a Missouri interexchange carrier organization. The number of members contained in the organization remains unknown despite efforts to attempt to quantify the organization's membership.

#### IV. ASSUMPTIONS

1. The life of the rule is estimated at five years.
  
2. Fiscal year 1998 dollars are used to estimate costs. No adjustment for inflation is applied (i.e., wages, postage, cost of money or interest rates).
  
3. Estimates assume no sudden change in technology that would influence costs.
  
4. Affected entities are assumed to be in compliance with all other MoPSC rules and regulations.
  
5. The universe of entities is based on fiscal year 1998 data and is assumed to remain constant.
  
6. All disconnection notice calls will be made during regular business hours.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
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Chapter 33—Service and Billing Practices for  
Telephone Utilities**

**PROPOSED RESCISSION**

**4 CSR 240-33.080 Disputes.** This rule established the procedures by which disputes between customers and telephone utilities were resolved so that reasonable and uniform standards existed for handling disputes.

*PURPOSE: This rule is being rescinded and resubmitted to avoid confusion because of the many changes being proposed.*

*AUTHORITY: sections 386.040, 386.250 and 392.200, RSMo 1986. Original rule filed Jan. 14, 1977, effective Oct. 1, 1977. Rescinded: Filed Aug. 26, 1999.*

*PUBLIC ENTITY COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE ENTITY COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, P.O. Box 360, Jefferson City, MO 65102, (573) 751-3234. To be considered, comments shall be filed on or before November 12, 1999. Comments should refer to Case No. TX-2000-167, and be filed with an original and fourteen copies. A public hearing is scheduled for November 15, 1999, at 9:00 a.m. in room 520B of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri, for interested persons to appear and respond to commission questions.*

*SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211, or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 33—Service and Billing Practices for  
[Telephone Utilities] Telecommunications Companies**

**PROPOSED RULE**

**4 CSR 240-33.080 Disputes by Residential Customers**

*PURPOSE: This rule establishes the procedures by which disputes between residential customers and telecommunications companies should be resolved so that reasonable and uniform standards exist for handling disputes.*

(1) A customer shall advise a telecommunications company that all or part of a charge is in dispute by written notice, in person or by a telephone message directed to the telecommunications company during normal business hours. A dispute must be registered with the utility at least twenty-four (24) hours prior to the date of proposed discontinuance for a customer to avoid discontinuance of service as provided by these rules.

(2) When a customer advises a telecommunications company that all or part of a charge is in dispute, the telecommunications company shall record the date, time and place the inquiry is made; investigate the inquiry promptly and thoroughly; and attempt to resolve the dispute in a manner satisfactory to both parties.

(3) Failure of a customer to cooperate with the telecommunications company in efforts to resolve an inquiry which has the effect of placing charges in dispute shall constitute a waiver of the customer's right to continuance of service under this chapter.

(4) If a customer disputes a charge, the customer shall pay an amount to the telecommunications company equal to that part of the total bill not in dispute. The amount not in dispute shall be mutually determined by the parties. The parties shall consider the customer's prior usage, the nature of the dispute and any other pertinent factors in determining the amount not in dispute.

(5) If the parties are unable to mutually determine the amount not in dispute, the customer shall pay to the telecommunications company, at the company's option, an amount not to exceed fifty percent (50%) of the charge in dispute or an amount based on usage during a like period under similar conditions which shall represent the amount not in dispute.

(6) Failure of the customer to pay to the telecommunications company the amount not in dispute within four (4) working days from the date that the dispute is registered or by the delinquent date of the disputed bill, whichever is later, shall constitute a waiver of the customer's right to continuance of service and the telecommunications company may then proceed to discontinue service as provided in this rule.

(7) If the dispute is ultimately resolved in the favor of the customer in whole or in part, any excess moneys paid by the customer shall be refunded promptly.

(8) If the telecommunications company does not resolve the dispute to the satisfaction of the customer, the telecommunications company representative shall notify the customer that each party has a right to make an informal complaint to the commission, and of the address and telephone number where the customer may file an informal complaint with the commission. If a customer files an informal complaint with the commission prior to advising the telecommunications company that all or a portion of a bill is in dispute, the commission shall notify the customer of the payment required by sections (5) and (6) of this rule.

(9) A telecommunications company may treat a customer complaint or dispute involving the same question or issue based upon the same facts as already determined and is not required to comply with these rules more than once prior to discontinuance of service.

*AUTHORITY: sections 386.040, RSMo 1994 and 386.250 and 392.200, RSMo Supp. 1998. Original rule filed Jan. 14, 1977, effective Oct. 1, 1977. Rescinded and readopted: Filed Aug. 26, 1999.*

*PUBLIC ENTITY COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE ENTITY COST: This proposed rule is estimated to cost private entities \$1,500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, P.O. Box 360,*

*Jefferson City, MO 65102, (573) 751-3234. To be considered, comments shall be filed on or before November 12, 1999. Comments should refer to Case No. TX-2000-167, and be filed with an original and fourteen copies. A public hearing is scheduled for November 15, 1999, at 9:00 a.m. in room 520B of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri, for interested persons to appear and respond to commission questions.*

*SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211, or TDD Hotline 1-800-829-7541.*

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 4 – Department of Economic Development

Division: 240 – Public Service Commission

Chapter: 33 – Service and Billing Practices for Telecommunications Companies

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 240-33.080 Disputes by Residential Customers

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification* by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
	Class A Local Telephone Companies	
1	Class B Local Telephone Companies	\$1,500 (See worksheet Item 1A)
	Class C Local Telephone Companies	
	Class Interexchange Companies	
	Class Payphone Providers	
1	All entities	\$1,500

\* Class A Telephone Companies are incumbent local telephone companies with more than \$100,000,000 annual revenues system wide; Class B Telephone Companies are incumbent local telephone companies with \$100,000,000 annual revenues or less system wide; Class C Local Telephone Companies are all other companies certificated to provide basic local exchange telecommunications services, Class Interexchange Companies are long distance providers; Class Payphone Providers are private payphone providers.

**III. WORKSHEET**

1. A draft of the proposed rule was distributed to Class A Telephone Companies, Class B Telephone Companies, Class C Local Telephone Companies, Class Interexchange

Companies, and Class Payphone Providers certificated by the Missouri Public Service Commission as of June 1998. These companies were requested to review the rule and provide any projected fiscal impact projections, should the rule be approved as drafted. The above information reflects the responses of these companies.

A. Class B Company

- i. BPS Telephone Company estimates that this rule would cost it \$1,500 over five years because it requires the telephone company to record the date, time, and place an inquiry is made about a disputed charge.
2. The estimated number of entities affected by the proposed rule reflects the number of companies responding with fiscal impact information.
3. Cost of compliance with the rule by the affected entities reflects the total projected cost over a five year period for those companies who have responded with projected fiscal impact information. Some entities indicated their actual cost may be greater than the amount projected.

#### IV. ASSUMPTIONS

1. The life of the rule is estimated at five years.
2. Fiscal year 1998 dollars are used to estimate costs. No adjustment for inflation is applied.
3. Estimates assume no sudden change in technology that would influence costs.
4. Affected entities are assumed to be in compliance with all other MoPSC rules and regulations.
5. The universe of entities is based on fiscal year 1998 data and is assumed to remain constant.



**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 33—Service and Billing Practices for  
Telephone Utilities**

**PROPOSED RESCISSION**

**4 CSR 240-33.090 Settlement Agreements.** This rule established a procedure where a customer might obtain an extension of time in which to pay charges due a telephone utility so that reasonable and uniform standards were established with regard to payment extensions.

*PURPOSE:* This rule is being rescinded and resubmitted to avoid confusion because of the many changes being proposed.

*AUTHORITY:* sections 386.040, 386.250 and 392.200, RSMo 1986. Original rule filed Jan. 14, 1977, effective Oct. 1, 1977. Rescinded: Filed Aug. 26, 1999.

*PUBLIC ENTITY COST:* This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

*PRIVATE ENTITY COST:* This proposed rescission will not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, P.O. Box 360, Jefferson City, MO 65102, (573) 751-3234. To be considered, comments shall be filed on or before November 12, 1999. Comments should refer to Case No. TX-2000-168, and be filed with an original and fourteen copies. A public hearing is scheduled for November 15, 1999, at 9:00 a.m. in room 520B of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri, for interested persons to appear and respond to commission questions.

*SPECIAL NEEDS:* Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211, or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 33—Service and Billing Practices for  
[Telephone Utilities] Telecommunications Companies**

**PROPOSED RULE**

**4 CSR 240-33.090 Settlement Agreements with Residential Customers**

*PURPOSE:* This rule establishes a procedure where a residential customer may obtain an extension of time in which to pay charges due a telecommunications company so that reasonable and uniform standards are established with regard to payment extensions.

(1) When a customer is unable to pay a charge in full when due, the telecommunications company to whom the charge is due shall permit the customer to enter into an initial settlement agreement under which the charge may be paid as mutually agreed to by both

parties. A copy of the settlement agreement shall be delivered or mailed to the customer upon request by the customer.

(2) Matters treated by a settlement agreement shall not constitute a basis for a discontinuance as long as the terms of the settlement agreement are followed.

*AUTHORITY:* sections 386.040, RSMo 1994 and 386.250 and 392.200, RSMo Supp. 1998. Original rule filed Jan. 14, 1977, effective Oct. 1, 1977. Rescinded and readopted: Filed Aug. 26, 1999.

*PUBLIC ENTITY COST:* This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

*PRIVATE ENTITY COST:* This proposed rule will not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING:* Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, P.O. Box 360, Jefferson City, MO 65102, (573) 751-3234. To be considered, comments shall be filed on or before November 12, 1999. Comments should refer to Case No. TX-2000-168, and be filed with an original and fourteen copies. A public hearing is scheduled for November 15, 1999, at 9:00 a.m. in room 520B of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri, for interested persons to appear and respond to commission questions.

*SPECIAL NEEDS:* Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211, or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 33—Service and Billing Practices for  
Telephone Utilities**

**PROPOSED RESCISSION**

**4 CSR 240-33.100 Variance.** This rule established the procedure to be followed by a telephone utility or customer when either sought a variance from any provision of this chapter.

*PURPOSE:* This rule is being rescinded and resubmitted to avoid confusion because of the many changes being proposed.

*AUTHORITY:* sections 386.040, 386.250 and 392.200, RSMo 1986. Original rule filed Jan. 14, 1977, effective Oct. 1, 1977. Rescinded: Filed Aug. 26, 1999.

*PUBLIC ENTITY COST:* This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

*PRIVATE ENTITY COST:* This proposed rescission will not cost private entities more than \$500 in the aggregate.

*NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, P.O. Box 360, Jefferson City, MO 65102, (573) 751-3234. To be considered,

comments shall be filed on or before November 12, 1999. Comments should refer to Case No. TX-2000-169, and be filed with an original and fourteen copies. A public hearing is scheduled for November 15, 1999, at 9:00 a.m. in room 520B of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri, for interested persons to appear and respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211, or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 33—Service and Billing Practices for  
[Telephone Utilities] Telecommunications Companies**

**PROPOSED RULE**

**4 CSR 240-33.100 Variance**

**PURPOSE:** This rule establishes the procedure to be followed by a telecommunications company or customer when either seeks a variance from any provision of this chapter.

- (1) Any telecommunications company or customer may request authority for a variance from any provision of this chapter and the commission may grant variances.
- (2) A variance request shall be filed in writing in compliance with 4 CSR 240-2.060 with the secretary of the commission.
- (3) Any variance granted by the commission shall be reflected in a tariff.

**AUTHORITY:** sections 386.040, RSMo 1994 and 386.250 and 392.200, RSMo Supp. 1998. Original rule filed Jan. 14, 1977, effective Oct. 1, 1977. Rescinded and readopted: Filed Aug. 26, 1999.

**PUBLIC ENTITY COST:** This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

**PRIVATE ENTITY COST:** This proposed rule will not cost private entities more than \$500 in the aggregate.

**NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING:** Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, P.O. Box 360, Jefferson City, MO 65102, (573) 751-3234. To be considered, comments shall be filed on or before November 12, 1999. Comments should refer to Case No. TX-2000-169, and be filed with an original and fourteen copies. A public hearing is scheduled for November 15, 1999, at 9:00 a.m. in room 520B of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri, for interested persons to appear and respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211, or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 33—Service and Billing Practices for  
Telephone Utilities**

**PROPOSED RESCISSION**

**4 CSR 240-33.110 Commission Complaint Procedures.** This rule set forth in this chapter the procedures followed in filing formal or informal complaints with the commission regarding matters covered in this chapter.

**PURPOSE:** This rule is being rescinded and resubmitted to avoid confusion because of the many changes being proposed.

**AUTHORITY:** sections 386.040, 386.250 and 392.200, RSMo 1986. Original rule filed Jan. 14, 1977, effective Oct. 1, 1977. Rescinded: Filed Aug. 26, 1999.

**PUBLIC ENTITY COST:** This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

**PRIVATE ENTITY COST:** This proposed rescission will not cost private entities more than \$500 in the aggregate.

**NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, P.O. Box 360, Jefferson City, MO 65102, (573) 751-3234. To be considered, comments shall be filed on or before November 12, 1999. Comments should refer to Case No. TX-2000-170, and be filed with an original and fourteen copies. A public hearing is scheduled for November 15, 1999, at 9:00 a.m. in room 520B of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri, for interested persons to appear and respond to commission questions.

**SPECIAL NEEDS:** Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211, or TDD Hotline 1-800-829-7541.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 33—Service and Billing Practices for  
[Telephone Utilities] Telecommunications Companies**

**PROPOSED RULE**

**4 CSR 240-33.110 Commission Complaint Procedures**

**PURPOSE:** This rule sets forth the procedures to be followed in filing formal or informal complaints with the commission regarding matters covered in this chapter.

- (1) Any customer aggrieved by a violation of any rules in this chapter or the Public Service Commission laws of Missouri relating to telecommunications companies may file an informal or formal complaint under 4 CSR 240-2.070.
- (2) If a telecommunications company and a customer fail to resolve a matter in dispute, the telecommunications company shall

advise the customer of his/her right to file an informal or formal complaint with the commission under 4 CSR 240-2.070.

(3) Pending the resolution of a complaint filed with the commission, the subject matter of such complaint shall not constitute a basis for discontinuance.

*AUTHORITY: sections 386.040, RSMo 1994, 386.250 and 392.200, RSMo Supp. 1998. Original rule filed Jan. 14, 1977, effective Oct. 1, 1977. Rescinded and readopted: Filed Aug. 26, 1999.*

*PUBLIC ENTITY COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE ENTITY COST: This proposed rule will not cost private entities more than \$500 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, P.O. Box 360, Jefferson City, MO 65102, (573) 751-3234. To be considered, comments shall be filed on or before November 12, 1999. Comments should refer to Case No. TX-2000-170, and be filed with an original and fourteen copies. A public hearing is scheduled for November 15, 1999, at 9:00 a.m. in room 520B of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri, for interested persons to appear and respond to commission questions.*

*SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211, or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

**Division 240—Public Service Commission  
Chapter 33—Service and Billing Practices for**

*[Telephone Utilities] Telecommunications Companies*

**PROPOSED RULE**

**4 CSR 240-33.120 Payment Deferral for Schools and Libraries that Receive Federal Universal Service Fund Support**

*PURPOSE: This rule establishes tariff filing requirements that will enable schools and libraries to receive Federal Universal Service Funding.*

*PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.*

(1) Each company that provides telecommunications services to eligible schools or libraries shall file a tariff amendment to offer discounted rates and services to eligible schools or libraries within thirty (30) days of the adoption of this rule.

(2) The discounts are available to the extent that they are funded by the Federal Universal Service Fund subject to the terms and conditions set forth in 47 CFR 54.500-54.517. Discounts on

intrastate telecommunications services for eligible schools and libraries shall mirror the interstate discount as stated in the FCC Report and Order in CC Docket No. 96-45 (FCC 97-157), as adopted by the Missouri Public Service Commission in Docket No. TO-97-552. Any adjustments to the discount matrix shall be in accordance with the FCC's Report and Order in CC Docket No. 96-45 (FCC 97-157), paragraphs 538 and 542, or as adjusted in any future FCC decision or federal legislation on the subject. This rule incorporates by reference the Commission's Order Granting Interventions and Adopting Educational Discount Matrix issued in Case No. TO-97-552. This rule also incorporates by reference paragraphs 538 and 542 of the FCC's Report and Order issued in CC Docket No. 96-45 (FCC 97-157).

*AUTHORITY: sections 386.040, RSMo 1994, 386.250 and 392.200, RSMo Supp. 1998. Original rule filed Aug. 26, 1999.*

*PUBLIC ENTITY COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE ENTITY COST: This proposed rule is estimated to cost private entities \$1,800 in the aggregate.*

*NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, P.O. Box 360, Jefferson City, MO 65102, (573) 751-3234. To be considered, comments shall be filed on or before November 12, 1999. Comments should refer to Case No. TX-2000-171, and be filed with an original and fourteen copies. A public hearing is scheduled for November 15, 1999, at 9:00 a.m. in room 520B of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri, for interested persons to appear and respond to commission questions.*

*SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211, or TDD Hotline 1-800-829-7541.*

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**

Title: 4 – Department of Economic Development

Division: 240 – Public Service Commission

Chapter: 33 – Service and Billing Practices for Telecommunications Companies

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 240-33.120 Payment Deferral for Schools  
and Libraries that Receive Federal Universal Service  
Support

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification* by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
	Class A Local Telephone Companies	
1	Class B Local Telephone Companies	\$1,800 (See worksheet Item 1A)
	Class C Local Telephone Companies	
	Class Interexchange Companies	
	Class Payphone Providers	
1		\$1,800

\* Class A Telephone Companies are incumbent local telephone companies with more than \$100,000,000 annual revenues system wide; Class B Telephone Companies are incumbent local telephone companies with \$100,000,000 annual revenues or less system wide; Class C Local Telephone Companies are all other companies certificated to provide basic local exchange telecommunications services, Class Interexchange Companies are long distance providers; Class Payphone Providers are private payphone providers.

### **III. WORKSHEET**

1. A draft of the proposed rule was distributed to Class A Telephone Companies, Class B Telephone Companies, Class C Local Telephone Companies, Class Interexchange Companies, and Class Payphone Providers certificated by the Missouri Public Service Commission as of June 1998. These companies were requested to review the rule and provide any projected fiscal impact projections, should the rule be approved as drafted. The above information reflects the responses of these companies.

A. Class B Company

- i. BPS Telephone Company estimates that tariff filing for discounted rates will cost it \$1,800 in attorney and administrative fees.

2. The estimated number of entities affected by the proposed rule reflects the number of companies responding with fiscal impact information.

3. Cost of compliance with the rule by the affected entities reflects the total projected cost over a five year period for those companies who have responded with projected fiscal impact information. Some entities indicated their actual cost may be greater than the amount projected.

### **IV. ASSUMPTIONS**

1. The life of the rule is estimated at five years.
2. Fiscal year 1998 dollars are used to estimate costs. No adjustment for inflation is applied.
3. Estimates assume no sudden change in technology that would influence costs.
4. Affected entities are assumed to be in compliance with all other MoPSC rules and regulations.
5. The universe of entities is based on fiscal year 1998 data and is assumed to remain constant.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 240—Public Service Commission  
Chapter 33—Service and Billing Practices for  
[Telephone Utilities] Telecommunications Companies**

**PROPOSED RULE**

**4 CSR 240-33.130 Operator Service**

*PURPOSE: This rule establishes standards to be followed by telecommunications companies that provide operator services.*

- (1) The operator service provider will not bill for incomplete calls.
- (2) The caller and billed party, if different from the caller, will be advised of the name of the operator service provider at the time of the initial contact.
- (3) The operator service provider must provide a means to readily access general rate information prior to making a call, or in the case of a collect call, prior to accepting the charges for a call.
- (4) The operator service provider will only place tariffed rates on customer bills.
- (5) If local exchange company billing services are used, the name of the operator service provider will be listed on the bill if the local exchange company has multicarrier billing ability.
- (6) The operator service provider will employ reasonable calling card verification procedures.
- (7) The operator service provider will route all 0- and 00- emergency calls in the quickest possible manner to the appropriate local emergency service provider, at no charge.
- (8) Upon request, the operator service provider will transfer calls to, or advise how to reach, other authorized interexchange carriers or the local exchange company. This service will be provided if billing can list the caller's actual origination point and an agreement exists between the operator service provider and the interexchange carriers or local exchange company.

*AUTHORITY: sections 386.040, RSMo 1994, 386.250 and 392.200, RSMo Supp. 1998. Original rule filed Aug. 26, 1999.*

*PUBLIC ENTITY COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE ENTITY COST: This proposed rule will not cost private entities more than \$500 in the aggregate.*

**NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING:** Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, P.O. Box 360, Jefferson City, MO 65102, (573) 751-3234. To be considered, comments shall be filed on or before November 12, 1999. Comments should refer to Case No. TX-2000-172, and be filed with an original and fourteen copies. A public hearing is scheduled for November 15, 1999, at 9:00 a.m. in room 520B of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri, for interested persons to appear and respond to commission questions.

*SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing*

*at one of the following numbers: Consumer Services Hotline 1-800-392-4211, or TDD Hotline 1-800-829-7541.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT**

**Division 240—Public Service Commission  
Chapter 33—Service and Billing Practices for  
[Telephone Utilities] Telecommunications Companies**

**PROPOSED RULE**

**4 CSR 240-33.140 Pay Telephone**

*PURPOSE: This rule establishes standards to be followed by telecommunications companies that provide pay telephone service.*

- (1) Customers using pay telephone equipment shall be able to reach the operator without charge and without the use of a coin.
- (2) Customers using pay telephone equipment shall be able to reach local 911 emergency service, where available, without charge and without using a coin or, if 911 is unavailable, there shall be a prominent display on each instrument of the required procedure to reach local emergency service without charge and without using a coin.
- (3) The pay telephone provider must provide a means to readily access rate information prior to making a call, or in the case of a collect call, prior to accepting the charges for a call.
- (4) Pay telephone equipment shall allow the completion of local and toll calls.
- (5) Pay telephone equipment shall permit access to directory assistance.
- (6) Pay telephone equipment shall not block access to any local or interexchange telecommunications company.
- (7) The following information shall be displayed in close proximity to all pay telephone equipment:
  - (A) The name, address and telephone number of the pay telephone service provider;
  - (B) The method of obtaining refunds;
  - (C) The procedure for reporting service difficulty;
  - (D) If applicable, the notice should state that the pay telephone does not accept incoming calls;
  - (E) The name of the telecommunications company handling 0+ long distance calls; and
  - (F) The method of obtaining long distance access.

*AUTHORITY: sections 386.040, RSMo 1994, 386.250 and 392.200, RSMo Supp. 1998. Original rule filed Aug. 26, 1999.*

*PUBLIC ENTITY COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE ENTITY COST: This proposed rule will not cost private entities more than \$500 in the aggregate.*

**NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING:** Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, P.O. Box 360, Jefferson City, MO 65102, (573) 751-3234. To be considered, comments shall be filed on or before November 12, 1999. Comments should refer to Case No. TX-2000-173, and be filed with an original and fourteen copies. A public hearing is scheduled for

November 15, 1999, at 9:00 a.m. in room 520B of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri, for interested persons to appear and respond to commission questions.

*SPECIAL NEEDS:* Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten days prior to the hearing at one of the following numbers: Consumer Services Hotline 1-800-392-4211, or TDD Hotline 1-800-829-7541.

**Title 7—DEPARTMENT OF [HIGHWAY AND]  
TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 6—Outdoor Advertising**

**PROPOSED AMENDMENT**

**7 CSR 10-6.010 Public Information.** The commission is amending sections (2), (3) and (4), and removing all forms from the *Code of State Regulations*.

*PURPOSE:* This amendment updates the current area offices for interested persons to obtain information and materials about state outdoor advertising control.

(2) Organization. The Missouri Highways and Transportation Commission controls and acts by and through the [Missouri Highway and Transportation Department] Missouri Department of Transportation which is directed by the [chief engineer] director of Transportation. [The state of Missouri is geographically divided into ten (10) Missouri Highway and Transportation Department districts with a district office in each district.] For purposes of this rule, the state is geographically divided into seven (7) areas. Each [district] area office is headed by a [district engineer] permit specialist who is responsible to the [chief engineer] outdoor advertising manager for supervising all [activities of the Missouri Highway and Transportation Department within that particular district] outdoor advertising activities within that area. [The following counties are included in the indicated district:] Counties in each area are as follows: [District] Area No. 1 includes: [Andrew, Atchison, Buchanan, Caldwell, Clinton, Daviess, DeKalb, Gentry, Harrison, Holt, Nodaway and Worth.] Barton, Bates, Cass, Cedar, Clay, Dade, Henry, Jackson, Johnson, Lafayette, Platte, St. Clair, Vernon; [District] Area No. 2 includes: Adair, Audrain, [Carroll,] Chariton, Clark, [Grundy, Howard,] Knox, Lewis, Linn, [Livingston,] Macon, Marion, [Mercer,] Monroe, Pike, Putnam, Ralls, Randolph, [Saline,] Schuyler, Scotland, Shelby, [and] Sullivan[.]; [District] Area No. 3 includes: [Audrain, Clark, Knox, Lewis, Lincoln, Marion, Monroe, Montgomery, Pike, Ralls, Scotland, Shelby and Warren.] Benton, Boone, Callaway, Camden, Cole, Cooper, Gasconade, Hickory, Howard, Maries, Miller, Moniteau, Morgan, Osage, Pettis, Phelps, Pulaski, Saline; [District] Area No. 4 includes: [Cass, Clay, Henry, Jackson, Johnson, Lafayette, Platte and Ray.] City of St. Louis, Crawford, Franklin, Jefferson, Lincoln, Montgomery, Perry, Ste. Genevieve, St. Charles, St. Francois, St. Louis, Warren, Washington; [District] Area No. 5 includes: [Benton, Boone, Callaway, Camden, Cole, Cooper, Gasconade, Maries, Miller, Moniteau, Morgan, Osage and Pettis.] Barry, Christian, Dallas, Douglas, Greene, Jasper, Laclede, Lawrence, McDonald, Newton, Ozark, Polk, Stone, Taney, Webster, Wright; [District] Area No. 6 includes: [Franklin, Jefferson, St. Charles, St. Louis and the City of St. Louis.]

Bollinger, Butler, Cape Girardeau, Carter, Dent, Dunklin, Howell, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Reynolds, Ripley, Scott, Shannon, Stoddard, Texas, Wayne; [District] Area No. 7 includes: [Barry, Barton, Bates, Cedar, Dade, Jasper, Lawrence, McDonald, Newton, St. Clair and Vernon.] Andrew, Atchison, Buchanan, Caldwell, Carroll, Clinton, Daviess, DeKalb, Gentry, Grundy, Harrison, Holt, Livingston, Mercer, Nodaway, Ray and Worth. [District] No. 8 includes: Christian, Dallas, Douglas, Greene, Hickory, Laclede, Ozark, Polk, Stone, Taney, Webster and Wright. District No. 9 includes: Carter, Crawford, Dent, Howell, Iron, Oregon, Phelps, Pulaski, Reynolds, Ripley, Shannon, Texas and Washington. District No. 10 includes: Bollinger, Butler, Cape Girardeau, Dunklin, Madison, Mississippi, New Madrid, Pemiscot, Perry, St. Francois, Ste. Genevieve, Scott, Stoddard and Wayne.]

(3) How to Obtain Information and Materials. Information and materials regarding outdoor advertising control, including copies of sections 226.500–226.600, RSMo, administrative rules, application forms, maps of the interstate and primary highway systems, and district maps showing the location of the district offices and the counties within each district, may be obtained in person, by writing or by telephoning the [D]district [E]engineer, [Missouri Highway and Transportation Department] Missouri Department of Transportation: [District] Area No. 1, [3602 North Belt Highway—P.O. Box 287, St. Joseph, MO 64502, (816) 387-2350;] 5117 East 31st Street, Kansas City, MO 64128, (816) 889-6353; [District] Area No. 2, U.S. Route 63—P.O. Box 8, Macon, MO 63552, [(816) 385-3176] (660) 385-3176; [District] Area No. 3, [Highway 61 South—P.O. Box 1067, Hannibal, MO 63401, (314)-248-2490;] 1511 Missouri Boulevard, P.O. Box 718, Jefferson City, MO 65102, (573) 751-9289; [District] Area No. 4, [5117 East 31st Street, Kansas City, MO 64128, (816) 921-7104;] 1590 Woodlake Drive, Chesterfield, MO 63017, (314) 340-4327; [District] Area No. 5, [1511 Missouri Boulevard—P.O. Box 718, Jefferson City, MO 65102, (314) 751-3322;] 3025 East Kearney—P.O. Box 868, Springfield, MO 65801, (417) 895-7648; [District] Area No. 6, [1590 Woodlake Drive, Chesterfield, MO 63017-5712, (314) 340-4100;] 2910 Baron Road, Poplar Bluff, MO 63901, (573) 840-9292; [District] Area No. 7, [3901 East 32nd Street—P.O. Box 1445, Joplin, MO 64802, (417) 629-3300;] U.S. Route 63—P.O. Box 8, Macon, MO 63552, (660) 385-8267. [District] No. 8, 3025 E. Kearney—P.O. Box 868, Springfield, MO 65801, (417) 866-3576; District No. 9, U.S. Business Route 63 North—P.O. Box 220, Willow Springs, MO 65793, (417) 469-3134; and District No. 10, U.S. Route 61 North of U.S. Route 60—P.O. Box 160, Sikeston, MO 63801, (314) 472-5333.]

(4) Forms are available from the [district engineer] outdoor advertising permit specialist in each [district] area.

*AUTHORITY:* section 226.530, RSMo [1986] Supp. 1998. Original rule filed April 11, 1972, effective April 30, 1972. Rescinded and readopted: Filed May 16, 1977, effective Oct. 15, 1977. Amended: Filed Jan. 16, 1990, effective June 11, 1990. Amended: Filed June 15, 1993, effective Jan. 31, 1994. Amended: Filed Aug. 31, 1999.

*PUBLIC ENTITY COST:* This proposed amendment will not cost state agencies or political subdivisions more than \$500 in aggregate.

*PRIVATE ENTITY COST:* This proposed amendment will not cost private entities more than \$500 in aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Transportation, Mari Ann Winters, Secretary to the Commission, P.O. Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

## Title 7—DEPARTMENT OF [HIGHWAY AND] TRANSPORTATION

### Division 10—Missouri Highways and Transportation Commission

#### Chapter 6—Outdoor Advertising

#### PROPOSED AMENDMENT

**7 CSR 10-6.015 Definitions.** The commission is amending sections (1), (3), (6), (9), (10), (23), (26); adding sections (2), (12), (14), (24), (31), (32); deleting sections (29) and (30); and renumbering the remainder.

*PURPOSE: This amendment updates division names, titles and deletes unnecessary provisions.*

(1) Back-to-back sign, double-faced sign or V-type sign is a sign with two (2) sides or outdoor advertising faces, with not more than two (2) displays to each side or faces, with not more than two (2) displays to each side or facing, which are physically contiguous, or connected by the same structure or cross-bracing or located not more than fifteen feet (15') apart at their nearest point. Each face or side may be as large as *[twelve hundred (1200)] eight hundred (800)* square feet in area.

(2) **Billboard means a sign available for lease to the public to advertise products or services to be seen by the traveling public from the adjacent roadway and is required to be permitted and pay fees.**

*[(2)] (3)* Changed conditions means a change in facts or local ordinance, such as, but not limited to, discontinuance of a commercial or industrial activity, decrease in the limits of an urban area, reclassification of a secondary highway to interstate or **federal aid primary or National Highway System (NHS) highway status**, upgrading of an urban primary highway to freeway status or amendment of a comprehensive local zoning ordinance from commercial to residential or the like.

*[(3)](4)* **[Chief engineer] Director of transportation** means the *[chief engineer] director of transportation* of the *[Missouri Highway and Transportation Department] Missouri Department of Transportation* appointed by the Missouri Highways and Transportation Commission under section 226.040, RSMo or the *[chief engineer's] director of transportation's* authorized representative.

*[(4)](5)* Commercial or industrial activities are defined in section 226.540(5), RSMo.

*[(5)](6)* Commission means the Missouri Highways and Transportation Commission.

*[(6)](7)* Department means the Missouri *[Highway and Transportation Department] Department of Transportation*.

*[(7)](8)* Directional and other official signs means only official signs and notices, public utility signs, service club and religious notices, public service signs and directional signs.

*[(8)](9)* Display means a single graphic design which advertises goods, services or businesses.

*[(9)](10)* District engineer means any one (1) of the ten (10) *[Missouri Highway and Transportation Department] Missouri Department of Transportation* district engineers or the district engineer's authorized representatives.

*[(10)](11)* Division means the *[maintenance and traffic] right-of-way* division unless otherwise specified.

(12) **Double-stacked means sign faces placed one above another on a single structure. This definition shall not include faces or signs maintained in a side-by-side configuration.**

*[(11)](13)* Erect means to construct, build, raise, assemble, place, affix, attach, create, paint, draw or in any other way bring into being or establish.

(14) **Exempt billboard means a billboard erected by those organizations that are required to be permitted and are exempt from paying any fees. These organizations include religious, service, fraternal and veteran organizations.**

*[(12)](15)* Federal or state law means a federal or state constitutional provision or statute or an ordinance or rule enacted or adopted by Missouri or a federal agency or a political subdivision in Missouri pursuant to a federal or state constitution or statute.

*[(13)](16)* Flashing means emitting a series of sudden and transient outburst of light.

*[(14)](17)* Highway means any existing highway or a project for which the commission's right-of-way division has authorized the purchase of right-of-way.

*[(15)](18)* Intermittent means occurring at intervals.

*[(16)](19)* Landmark signs means outdoor advertising determined by agreement between the commission and the secretary of transportation to have been lawfully in existence on October 22, 1965, and to be of historical or artistic significance under section 226.545, RSMo.

*[(17)](20)* Lawful means lawfully erected and in compliance with all other legal requirements including, but not limited to, permit requirements, payment of biennial inspection fees and in the case of nonconforming signs, the requirements of 7 CSR 10-6.060(3).

*[(18)](21)* Lawfully erected means erected prior to January 1, 1968 or erected after January 1, 1968, in compliance with the sizing, lighting, spacing, location, permit and all other requirements of sections 226.500–226.600, RSMo as provided by those sections at the erection date of the sign; or erected after January 1, 1968, and before March 30, 1972, in compliance with the sizing, lighting, spacing and location requirements in effect at the time of erection, but for which a permit was not obtained prior to March 30, 1972. .]

*[(19)](22)* Maintain means allow to exist.

*[(20)](23)* Main-traveled way means the through traffic lanes of the highway, exclusive of frontage roads, outer roads, auxiliary lanes, ramps and all shoulders.

(24) **Modify means altering, enlarging or extending the facing, raising or lowering the structure itself, the addition of lights or lighting, and the replacing or changing poles, bracing, or supports.**



*[(21)](25)* Nonconforming sign or nonconforming outdoor advertising means a sign which was lawfully erected but which does not conform to the requirements of state statutes enacted at a later date or which later fails to comply with state statutes due to changed conditions.

**(26) Normal business hours means the hours of 8 a.m. to 5 p.m.**

*[(22)](27)* On-premises sign is limited to outdoor advertising which advertises—the sale or lease of the property upon which it is located, the name of the establishment or activity located upon the premises upon which it is located, or the principal products or services offered by the establishment or activity upon the premises upon which it is located.

*[(23)](28)* Outdoor advertising permit review committee consists of the assistant chief engineer-operations, *[the chief counsel]* **assistant chief engineer-design**, and the division *[engineer]* director of the *[maintenance and traffic]* **right-of-way** division or their designees.

*[(24)](29)* Parkland means any publicly-owned land which is designated or used as a public park, recreation area, wildlife or waterfowl refuge, or historic site.

*[(25)](30)* Premises is limited to improvements, buildings, parking lots, landscaping, storage or processing areas as well as any other contiguous land actually used in connection with the premises or for access.

**(31) Readily accessible access means easy and convenient availability without obstruction and is maintained adjacent to an official roadway designated by a state, county or local authority and can be traversed by a regular passenger vehicle.**

**(32) Regular intervals means hours of operation posted and occurring uniformly on a regular basis.**

*[(26)](33)* Scenic area means any area of particular scenic beauty or historic significance as determined by the federal, state or local officials having jurisdiction of the area and includes interests in land which have been acquired for the restoration, preservation and enhancement of scenic beauty (see 7 CSR 10-6.020).

*[(27)](34)* Secretary of transportation means the United States *[S]*secretary of *[T]*transportation.

*[(28)](35)* Sign means outdoor advertising as defined by section 226.510(3), RSMo.

*[(29) Specific tourist areas or economically impacted areas or specific areas of the state of Missouri in which there is a high concentration of tourist-oriented businesses means a specific area determined by the commission with the approval of the secretary of transportation under section 226.520(5), RSMo to be one which would suffer substantial economic hardship if signs providing directional information about goods and services in the interest of the traveling public in that area were removed under sections 226.500–226.600, RSMo.*

*(30) Specific tourist area sign(s) display(s) and device(s) providing directional information about goods and services in the interest of the traveling public means outdoor advertising lawfully erected before May 5, 1976 which provide directional information messages about goods and services in the interest of the traveling public and which are authorized to be maintained under section 226.520(5), RSMo and 23 U.S.C. 131(o).]*

*[(31)](36)* Spot zoning for outdoor advertising or strip zoning for outdoor advertising means an amendment, variance or exception to the comprehensive local zoning ordinance classifying or zoning a parcel of land as commercial, industrial or suitable for outdoor advertising, out of harmony with the zoning classification or uses of surrounding land as determined by the chief engineer.

*[(32)](37)* State means the state of Missouri.

*[(33)](38)* Unlawful signs or unlawful outdoor advertising are those identified as unlawful in sections 226.580.1 and 226.580.2, RSMo and 7 CSR 10-6.080(2), and nonconforming signs which have failed to comply with the requirements of 7 CSR 10-6.060(3).

*[(34)](39)* Unzoned area means an area where there is no comprehensive zoning regulation. It does not include areas which have rural zoning classifications, land uses established by zoning variances or special exceptions under comprehensive local zoning ordinances.

*[(35)](40)* Unzoned commercial or industrial areas or unzoned commercial or industrial land is defined by section 226.540(4) and 226.540(5), RSMo and 7 CSR 10-6.040(2)(B).

*[(36)](41)* Urban area is defined in section 226.510(6), RSMo.

*[(37)](42)* Visible means capable of being seen, whether or not legible, without visual aid by a person of normal visual acuity. A person of normal visual acuity is any person licensed by Missouri to operate a motor vehicle upon the highways of this state.

*[(38)](43)* Zoned commercial or industrial areas or areas which are zoned industrial, commercial or the like per section 226.540(5), RSMo and which meet the requirements of 7 CSR 10-6.040(2)(C).

*AUTHORITY: sections 226.150, RSMo 1994 and 226.530, RSMo [1986] Supp. 1998. Original rule filed May 16, 1977, effective Oct. 15, 1977. Amended: Filed Jan. 16, 1990, effective June 11, 1990. Amended: Filed Feb. 4, 1991, effective Aug. 30, 1991. Amended: Filed June 15, 1993, effective Jan. 31, 1994. Amended: Filed Aug. 31, 1999.*

*PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in aggregate.*

*PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Transportation, Mari Ann Winters, Secretary to the Commission, P.O. Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 7—DEPARTMENT OF [HIGHWAY AND]  
TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 6—Outdoor Advertising**

**PROPOSED AMENDMENT**

**7 CSR 10-6.040 Outdoor Advertising in Zoned and Unzoned Commercial and Industrial Areas.** The commission is amending sections (2), (3), (4), deleting section (5), renumbering section (6),

adding section (6), and removing Diagrams 1, 2, and 3 from the *Code of State Regulations*.

*PURPOSE: This amendment clarifies business requirements and implements full compliance with business requirements prior to permit issuance and provides for billboards with automatic changing faces.*

(2) Criteria for Determination of Zoned and Unzoned Commercial and Industrial Areas.

(C) Primary Use Test.

*PUBLISHER'S NOTE: Paragraphs (2)(C)1. and 2. remain as published in the Code of State Regulations.*

3. Recognizable. The purported commercial or industrial activity must be recognizable as a commercial or industrial enterprise as viewed from *[the main-traveled way]* **both directions of travel** of the adjacent interstate or primary highway. In addition, the activity must comply with each of the following:

A. Structure and grounds requirements—

(I) Area. Any structure to be used as a business or office must have an enclosed area of two hundred (200) square feet or more;

(II) Foundation. Any structure to be used as a business or office must be affixed on a slab, piers or foundation;

(III) Access. Any structure to be used as a business or office must have approved access from a roadway **and readily accessible by the motorist** to a defined customer parking lot adjacent to business building;

(IV) Utilities. Any structure to be used as a business or office must have normal utilities. Minimum utility service shall include: business telephone, electricity, water service and waste water disposal, all in compliance with appropriate local, state and county rules. Should a state, county or local rule not exist, compliance with minimum utility service shall be determined at the time of field inspection by the department's authorized representative;

(V) Identification. The purported enterprise must be identified as a commercial or industrial activity which may be accomplished by on-premises signing or outside visible display of product;

(VI) Use. Any structure to be used as a business or office must be used exclusively for the purported commercial or industrial activity; and

(VII) Limits. Limits of the business activity shall be in accordance with section 226.540(4), RSMo;

B. Activity requirements. In order to be considered a commercial or industrial activity for the purpose of outdoor advertising regulation, the following conditions must be met:

(I) *[The purported activity or enterprise shall be open for business and actively operated and staffed with personnel on the premises a minimum of four (4) hours each day and a minimum of five (5) days each week;] Hours must be posted and staffed accordingly or phone numbers for communication posted so that the public can contact the owner of the business activity or the designated employee(s) for an appointment at the business location during regular business hours;*

(II) The purported activity or enterprise shall maintain all necessary business licenses, occupancy permits, sales tax and other records as may be required by applicable state, county or local law or ordinance;

(III) A sufficient inventory of products must be maintained for immediate sale or delivery to the consumer. If the product is a service, it must be available for purchase on the premises; and

(IV) The purported activity or enterprise must be in active operation a minimum of one hundred eighty (180) days prior to the issuance of any outdoor advertising permit. **The one hundred eighty (180)-day time frame begins when the business activity is in compliance with commission business requirements;** and

*PUBLISHER'S NOTE: Subparagraph (2)(C)3.C. remains as published in the Code of State Regulations.*

(3) Standards for Allowed Signs.

(A) In General. Outdoor advertising shall be permitted only—

1. In accordance with the sizing, spacing, lighting and location requirements for outdoor advertising erected and maintained in zoned and unzoned commercial and industrial areas as authorized by section 226.540, RSMo;

2. On the same side of the interstate or **federal aid** freeway primary highway as the commercial or industrial activity;

3. Within six hundred feet (600') of the commercial or industrial activity or from any commercial or industrial structure meeting the structure and grounds requirements of subparagraph (2)(C)4./3.A. of this rule; and

4. In accordance with department permit requirements (see 7 CSR 10-6.070).

(B) Measurement of Distances. Distances shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway and shall apply only to signs located on the same side of the highway involved. The sign measurement points shall be those which yield the shortest distance between the structures. If the signs are angled or V-shaped, the nearest points of the structures to each other are to be used. *[(See Appendix A, Diagram 1.)]*

(4) Multiple Sign Structures. A back-to-back sign, double-faced sign or V-type sign is a sign with two (2) sides or outdoor advertising faces owned by the same sign owner which are physically contiguous, or connected by the same structure or cross-bracing or located not more than fifteen feet (15') apart at their nearest point. **Double-stacked structures are prohibited.** Each side or face of this multiple sign structure shall be considered as one (1) sign for the purpose of determining whether or not it complies with the sizing, lighting, spacing and location requirements of section 226.540, RSMo provided that each face or side of a multiple sign structure is limited to a total of *[twelve hundred (1200)] eight hundred (800)* square feet in area. The total area of each side or face shall be measured by the smallest square, rectangle, triangle, circle or contiguous combination of shapes which will encompass the display(s) of each side or face. *[(See Appendix B, Diagram 2.)]*

*[(5) Appendix C, Diagram 3 contains examples of permitted locations and spacing for outdoor advertising.]*

*[(6)](5)* Permits (see 7 CSR 10-6.070 for state permit requirements).

(6) A permit may be granted for an automatic changeable facing provided—

(A) The static display time for each message is a minimum of **eight (8) seconds;**

(B) The time to completely change from one message to the next is a maximum of **two (2) seconds;**

(C) The change of message must occur simultaneously for the entire sign face; and

(D) The application meets all other permitting requirements. **Any such sign shall be designed such that the sign will freeze in one position if a malfunction occurs.**

*AUTHORITY: sections 226.150, RSMo 1994 and 226.530, RSMo [1986] Supp. 1998. Original rule filed Feb 6, 1974, effective March 8, 1974. Amended: Filed June 9, 1975, effective July 9, 1975. Rescinded and readopted: Filed May 16, 1977, effective Oct. 15, 1977. Amended: Filed Jan. 16, 1990, effective June 11, 1990. Amended: Filed Feb. 4, 1991, effective Aug. 30, 1991. Amended: Filed June 15, 1993, effective Jan. 31, 1994. Amended: Filed Aug. 31, 1999.*

*PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in aggregate.*

*PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Transportation, Mari Ann Winters, Secretary to the Commission, P.O. Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 7—DEPARTMENT OF [HIGHWAY AND]  
TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 6—Outdoor Advertising**

**PROPOSED AMENDMENT**

**7 CSR 10-6.050 Outdoor Advertising Beyond Six Hundred Sixty Feet of the Right-of-Way.** The commission is amending section (2).

*PURPOSE: This amendment updates districts to the current areas.*

(2) Determination of Urban Areas. The term urban area is defined by section 226.510(6), RSMo. That section also indicates how urban areas are determined. Maps of urban areas located within a department district are available for inspection at that [district] area office (see 7 CSR 10-6.010).

*AUTHORITY: sections 226.150, RSMo 1994 and 226.530, RSMo [(1986)] Supp. 1998. Original rule filed May 16, 1977, effective Oct. 15, 1977. Amended: Filed Jan. 16, 1990, effective June 11, 1990. Amended: Filed June 15, 1993, effective Jan. 31, 1994. Amended: Filed Aug. 31, 1999.*

*PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in aggregate.*

*PRIVATE ENTITY COST: This proposed amendment will not cost private entities more than \$500 in aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Transportation, Mari Ann Winters, Secretary to the Commission, P.O. Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 7—DEPARTMENT OF [HIGHWAY AND]  
TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 6—Outdoor Advertising**

**PROPOSED AMENDMENT**

**7 CSR 10-6.060 Nonconforming Signs.** The commission is amending sections (2) and (3), and deleting subsection (2)(D) in its entirety and relettering subsection (2)(E).

*PURPOSE: This amendment removes the specific tourist area signs category.*

(2) Categories of Nonconforming Signs. Unless these signs are unlawful signs under section 226.580, RSMo and 7 CSR 10-6.080(2), the following nonconforming signs, subsections (2)(A)–[(E)](D) of this rule, may be maintained under the specified conditions:

[(D) *Specific Tourist Area Signs. Specific tourist area signs are any signs which—were lawfully erected; displayed directional information about goods and services in the interest of the traveling public on May 5, 1976; are located within six hundred and sixty feet (660') of the nearest edge of the right-of-way visible from the main-traveled way of any highway which is a part of the interstate and primary highway system; are such that removal would work a substantial economic hardship in the specific tourist area; and fail to meet the sizing, lighting, spacing or location requirements of sections 226.500–226.600, RSMo or 7 CSR 10-6.020 because of changed conditions or state statutes enacted after these signs were erected. These nonconforming signs and the activities or attractions which they advertise must be located in the same specific tourist area for the signs to qualify as specific tourist area signs. These signs may be maintained subject to the criteria for maintenance of nonconforming signs, in section (3).*

1. *Message content. The message content on specific tourist area signs must identify goods and services in the interest of the traveling public as determined by the commission, with the approval of the secretary of transportation and contain directional information such as mileage, route numbers or exit numbers useful to the traveler in locating those goods and services. There is no prohibition against descriptive words or phrases and pictorial or photographic representation.*

2. *Criteria for selection of specific tourist areas. The commission shall determine with the approval of the secretary of transportation the geographic limits of specific tourist areas. Any county that qualifies under one (1) or more of the following criteria, or any qualifying counties which are contiguous, shall constitute a specific tourist area. The following counties qualify:*

A. *Any county that equals or exceeds the state norm in any one (1) or more of the following five (5) categories as computed from annual third quarter statistics from the Missouri Tourism Commission:*

(I) *The ratio of direct county tourism employees to the latest United States decennial general census county population expressed as a percentage;*

(II) *The amount of county direct wages attributed to tourism to the latest United States decennial general census county population expressed as dollars per person;*

(III) *The amount of direct county tourism sales income to the latest United States decennial general census county population expressed as dollars per person;*

(IV) The ratio of direct county tourism employees to total county employee work force expressed as a percentage; and

(V) The ratio of direct county wages attributed to tourism to total county employee work force wages expressed as a percentage;

B. Any county which exceeds seventy percent (70%) of the value of any one (1) or more of parts (2)(D)2.A.(I)–(V), and which is contiguous to any county eligible under subparagraph (2)(D)2.A.; and

C. Any county within which is located any part or all of a major lake or a major traffic generator and which is contiguous to a county which qualifies under subparagraph (2)(D)2.A. of this rule. A major lake is any lake determined by the chief engineer to exceed seven thousand (7000) normal pool surface acres. A major traffic generator is any privately-owned activity or attraction determined by the chief engineer to attract in excess of five hundred thousand (500,000) visitors per year.

3. Determination of substantial economic hardship. The commission shall determine those nonconforming signs providing directional information about goods and services in the interest of the traveling public which the removal of from a specific tourist area will create a substantial economic hardship in the area. The commission will seek the approval of the secretary of transportation under 23 U.S.C. 131(o) to exempt any of these signs from removal;] and

[(E)](D) Landmark Signs. Any signs lawfully erected on or before October 22, 1965, including signs on farm structures or natural surfaces regardless of their advertising message at the date of erection, which are determined by the commission with the approval of the secretary of transportation to have been of historical or artistic significance on August 13, 1976, but which under state statutes enacted after these signs were erected or because of changed conditions fail to meet the sizing, spacing, lighting or location requirements of sections 226.500–226.600, RSMo or 7 CSR 10-6.020 are nonconforming signs. Landmark signs may be located either within six hundred sixty feet (660') of the nearest edge of the right-of-way and visible from the main-traveled way of any highway which is a part of the interstate or primary system or beyond six hundred sixty feet (660') of the right-of-way, visible from the main-traveled way of the interstate or primary system and erected with the purpose of its message being read from the traveled way. These landmark signs may be maintained subject to the criteria for maintenance of nonconforming signs in section (3).

(3) Criteria for Maintenance of Nonconforming Signs. Reasonable maintenance and repair of nonconforming signs is permissible; however, violation of any one (1) or more of the following subsections (3)(A)–(E) of this rule disqualifies any sign from being maintained as a nonconforming sign and subjects it to removal by the commission without the payment of just compensation:

(A) Message Content. Changes of advertising message content are permissible subject to the [requirements of paragraphs (3)(A)1. and 2. of this rule.] following:

[1. Specific tourist area signs. In order to continue to qualify as a specific tourist area sign after May 5, 1976, the sign's advertising message must continue to provide the directional information to goods and services in the interest of the traveling public advertising only the same activity or attraction that was advertised on May 5, 1976, except that the following changes in message or display content are permissible: a change in the activity or attraction name to reflect a sale or reorganization of the activity or attraction advertised on May 5, 1976; a change in brand name of goods or services advertised on May 5, 1976, provided the change relates to the same type of

activity or attraction at the same location; a change in mileage, address, routing, course or direction; or a change in logo or art work.]

[2.]1. Landmark signs. In order to continue to qualify as a landmark sign after August 13, 1976, the sign's advertising message shall not be substantially changed, except that a change in mileage, address, routing, course or direction is permissible;

(C) Size. The size or area of a sign shall not be increased [or decreased] after the date the sign becomes a nonconforming sign. A net decrease in the outside dimensions of the advertising copy portion of the device will be permitted. [Any subsequent change in the outside dimensions of the sign will be permitted so long as it does not exceed the actual dimensions that department records indicate existed on the date the sign became a nonforming sign;]

*AUTHORITY:* sections 226.150, RSMo 1994 and 226.530, RSMo [1986] Supp. 1998. Original rule filed May 16, 1977, effective Oct. 15, 1977. Amended: Filed Jan. 16, 1990, effective June 11, 1990. Amended: Filed June 15, 1993, effective Jan. 31, 1994. Amended: Filed Aug. 31, 1999.

*PUBLIC ENTITY COST:* This proposed amendment will not cost state agencies or political subdivisions more than \$500 in aggregate.

*PRIVATE ENTITY COST:* This proposed amendment will not cost private entities more than \$500 in aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Transportation, Mari Ann Winters, Secretary to the Commission, P.O. Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 7—DEPARTMENT OF [HIGHWAY AND]  
TRANSPORTATION  
Division 10—Missouri Highways and Transportation  
Commission  
Chapter 6—Outdoor Advertising**

**PROPOSED AMENDMENT**

**7 CSR 10-6.070 Permits for Outdoor Advertising.** The commission is amending sections (2), (4), and (6).

*PURPOSE:* This amendment defines tax exempt organizations, increases the time frame a permit owner has to erect a billboard once the permit is issued, and increases fees associated with billboard permit transfer of ownership.

(2) Outdoor Advertising Subject to Permit Requirement.

(C) Size. Size limitations and requirements are listed in section 226.540, RSMo. An addition of a temporary cut-out or extension up to thirty-three percent (33%) of the sign size will be allowed. A copy of the display contract or a letter outlining the beginning and ending dates of the display shall be furnished before the cut-out or extension is added.

(4) Permit Applications and Fees.

(A) Information. Any person may obtain permit application information, including copies of sections 226.500–226.600, RSMo, administrative rules, application forms, maps of the interstate and primary highway systems, and district maps showing the location of district offices and the counties within each [district] area, in person, by writing or by telephoning the district engineer

at any department district office. It is most efficient to contact the district engineer of the county in which the outdoor advertising is located (see 7 CSR 10-6.010).

(B) Filing of Permit Applications and Permit Fees. Sign owners or owners of the land on which outdoor advertising is located must apply for permits from the commission for outdoor advertising specified by section 226.550, RSMo (see section (2)). Permit applications must be—

1. Timely submitted. For new outdoor advertising to be erected, the application for permit shall be submitted before erecting or starting construction of any sign requiring a permit from the commission. The district engineer will cause a field inspection to be made of the proposed location to determine whether or not the site complies with the requirements of sections 226.500–226.600, RSMo. For all nonconforming outdoor advertising requiring a permit from the commission and for any other existing outdoor advertising lawfully erected, but for failure to obtain a permit prior to its erection from the commission, the application for permit must be submitted to and received by the district engineer within thirty (30) days of receipt by the applicant of a notice to remove outdoor advertising under section 226.580, RSMo from the commission specifying the failure to obtain or maintain a permit for a sign for which a permit and biennial inspection is required by section 226.550, RSMo. Failure of the applicant to timely submit an application for permit shall be cause for the district engineer to reject and return the application for permit;

2. Submitted to the district engineer for the county in which the outdoor advertising is located (see 7 CSR 10-6.010);

3. Submitted upon forms supplied by the commission. These forms will be supplied by the district engineer upon request. These forms must be completed in full. Incomplete or incorrectly completed permit application forms shall be rejected or returned by the district engineer to the applicant; and

4. Submitted to the district engineer along with the required permit fee.

A. The permit fee is twenty-eight dollars and fifty cents (\$28.50), except for tax exempt religious organizations which shall be granted a permit for signs less than seventy-six (76) square feet without payment of the fee. For purpose of this rule, a tax exempt religious organization is one in which submits a copy of its certification of tax exempt status from the Internal Revenue Service along with its permit application. **Religious organizations as defined in subdivision (11) of section 313.005, RSMo, service organizations as defined in subdivision (12) of section 313.005, RSMo, veterans' organizations as defined in subdivision (14) of section 313.005, RSMo, and fraternal organizations as defined in subdivision (8) of section 313.005, RSMo, may be granted a permit for a sign less than seventy-six (76) square feet without payment of the permit fee.**

*PUBLISHER'S NOTE: Subparagraphs (4)(B)4.B.–E. remain as published in Code of State Regulations.*

(6) Permits.

(A) Issue and Use of Permit. Upon proper application and payment of fee for any sign eligible for a permit, the district engineer shall issue a one (1)-time permanent permit. The permit owner must erect the sign, if not already in existence within *[one hundred twenty (120) days] two (2) years* of the date the permit was issued by the commission. *[Consideration will be given upon written request to the district engineer that issued the permit to one (1) extension of time not to exceed sixty (60) days upon a showing of good and sufficient cause for the delay. The chief engineer shall determine whether or not the sign was erected within the specified or extended period of time.]* The permit holder must contact the outdoor advertising office in that area in writing within thirty (30) days of the sign's erection. No permits will be granted at locations where illegal tree cutting has taken place.

(B) Transfer of Permit. When a sign owner transfers ownership of a sign for which a permit is required by section 226.550, RSMo, the new sign owner *[or the owner of the land on which the sign is located within sixty (60) days of the date of transfer]* shall notify the commission by filing an application for transfer, along with a *[ten-dollar (\$10)] twenty dollar (\$20)-*fee, on a form supplied by the district engineer upon request with the district engineer that issued the original permit which is the district engineer for the county in which the sign is located (see 7 CSR 10-6.010). Applications must be completed in full. Incomplete or incorrectly completed application forms shall be rejected or returned by the *[district engineer] outdoor advertising permit specialist* to the applicant.

(C) Voiding of Permits *[and Permit Emblems]*. Any misrepresentation of material fact on any application under this section or violation of any one (1) or more of the requirements of this section shall be grounds for the district engineer to void the permit. Any existing sign is then maintained without a permit and subject to removal under sections 226.580, RSMo and 7 CSR 10-6.080(2). **Illegal tree cutting or trimming in front of a permitted sign or maintaining a sign via the state right-of-way shall be grounds for voiding a permit.** The district engineer shall notify the sign owner and the owner or occupant of the land on which the sign is or was located in writing of the voiding of the permit. Permit fees shall be retained by the commission. The district engineer shall issue a notice to remove outdoor advertising under section 226.580.3/.1, RSMo.

(8) Relocation or Reconstruction. Relocation or reconstruction of any sign for any reason whatsoever is a new erection as of the date the relocation or reconstruction is completed and these signs must then comply with the then effective sizing, lighting, spacing, location and permit requirements of sections 226.500–226.600, RSMo. Relocation or reconstruction of any sign voids any permit issued by the commission for that sign and the fee shall be retained by the commission. The district engineer shall issue a notice to remove outdoor advertising under section 226.580, RSMo. A new application for permit must be filed with the district engineer and the sign can only be relocated in compliance with the sizing, lighting, spacing and location requirements of sections 226.500–226.600, RSMo.

*AUTHORITY: sections 226.150, RSMo 1994 and 226.530, RSMo [1986] Supp. 1998. Original rule filed May 16, 1977, effective Oct. 15, 1977. Amended: Filed Jan. 16, 1990, effective June 11, 1990. Amended: Filed June 15, 1993, effective Jan. 31, 1994. Amended: Filed Aug. 31, 1999.*

*PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in aggregate.*

*PRIVATE ENTITY COST: This proposed amendment will cost private entities approximately \$25,420. See attached fiscal note.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Transportation, Mari Ann Winters, Secretary to the Commission, P.O. Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**FISCAL NOTE  
PRIVATE ENTITY COST**

**I. RULE NUMBER**Title: 7 - Department of TransportationDivision: 10 - Missouri Highways and Transportation CommissionChapter: 6 - Outdoor AdvertisingType of Rule Making: Proposed Rule ChangeRule Number and Name: 7 CSR 10-6.070(6)(B) Transfer of Permit**II. SUMMARY OF FISCAL IMPACT**

Estimate of number of entities by class which would likely be affected by change of rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
27	Billboard Companies	\$25,420.00

**III. WORKSHEET**

Additional Transfer Cost:

Per sign = \$10.00 ( x approx. 2,542 signs)	\$25,420.00
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Overall Transfer Cost with fee increase:

Per sign = \$20.00 ( x approx. 2,542 signs)	\$50,840.00
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**IV. ASSUMPTIONS**

(a) These private entity costs will recur each year for the life of the rule, however, the number of billboard companies may vary from year to year and are almost impossible to predict accurately.