
Rules of Department of Economic Development

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

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**Title 4—DEPARTMENT OF
ECONOMIC DEVELOPMENT**

**Division 240—Public Service
Commission**

**Chapter 33—Service and Billing
Practices for Telecommunications
Companies**

4 CSR 240-33.010 General Provisions

PURPOSE: This rule describes in general terms the provisions of this chapter.

(1) This chapter applies to all telecommunications companies subject to the jurisdiction of the Missouri Public Service Commission.

(2) A telecommunications company shall not discriminate against a customer or prospective customer for exercising any right granted by any commission rule.

(3) A telecommunications company may adopt rules governing its relations with customers and prospective customers which are not inconsistent with this chapter. The rules shall be part of a telecommunications company's tariffs.

(4) All telecommunications companies shall be in compliance with this chapter within six (6) months after the effective date of this rule and shall notify the commission of such compliance.

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 Rescinded and readopted: Filed Aug. 26, 1999, effective April 30, 2000.*

**Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; and 392.200, RSMo 1939, amended 1987, 1988, 1996.*

4 CSR 240-33.020 Definitions

PURPOSE: This rule defines various terms that are used in this chapter.

(1) Access line is the line associated with each service location to which a unique telephone number is assigned.

(2) Advance payment is money received by a telecommunications company from a customer for the purpose of securing payment of future charges accrued by a customer.

(3) Basic local telecommunications service is basic local telecommunications service as

defined in section 386.020(4), RSMo Supp. 1998.

(4) Bill is a written or electronic demand for payment for service or equipment and the taxes, assessments, and franchise fees related thereto.

(5) Bill insert or insert is a written or electronic notice which is enclosed with or attached to a bill.

(6) Billing period is a normal usage period of not less than twenty-eight (28) nor more than thirty-one (31) days.

(7) Complaint is a complaint as defined in 4 CSR 240-2.070.

(8) Customer is any individual that accepts financial and other responsibilities in exchange for telecommunications service.

(9) Delinquent account is an account which has undisputed charges that are not paid in full by the due date.

(10) Deposit is a money advance to a telecommunications company for the purpose of securing payment for telecommunications services.

(11) Discontinuance of service or discontinuance is a cessation of service not requested by a customer.

(12) Guarantee is a written promise from a responsible party to assume liability.

(13) In dispute is any matter regarding a charge or service which is the subject of an unresolved inquiry.

(14) Inquiry is any written, electronic or oral comment or question regarding a charge or service.

(15) Letter of agency is a letter or other document sent by a customer to a telecommunications company authorizing the telecommunications company to change the telecommunications service provider for that customer.

(16) New customer is any customer who has no prior service history with the telecommunications company with whom service is being requested.

(17) Operator services is operator services as defined in section 386.020(37), RSMo Supp. 1998.

(18) Pay telephone is a coin or non-coin telephone installed for use by the general public from which calls can be paid for at the time they are made by means of coins, tokens, credit cards, debit cards or a billing to an alternate number.

(19) Preferred payment date plan is a plan in which the due date for the charges stated on a bill is the same date in each billing period as selected by the customer.

(20) Prospective customer is any individual with whom or by whom service is being requested.

(21) Rendition of a bill is the date a bill is mailed, posted electronically or otherwise sent to a customer.

(22) Settlement agreement is an agreement between a customer and a telecommunications company which resolves any matter in dispute between the parties or provides for the payment of undisputed charges over a period longer than the customer's normal billing period.

(23) Tariff is a statement by a telecommunications company that sets forth the services offered by that company, and the rates, terms and conditions for the use of those services.

(24) Telecommunications company is a telephone corporation as defined in section 386.020(51), RSMo Supp. 1998.

(25) Termination of service or termination is a cessation of service requested by a customer.

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, effective April 30, 2000.*

**Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; and 392.200, RSMo 1939, amended 1987, 1988, 1996.*

4 CSR 240-33.030 Minimum Charges Rule

PURPOSE: This rule requires all telephone utilities to inform prospective customers at the time service is requested and at the time a contract for service is entered into of the lowest cost service available and the lowest cost one party service available and the lowest equipment cost available for such types of service so that prospective customers are



aware of the lowest cost service and equipment available.

(1) Upon a request for service and at the time a contract for service is entered into, a telephone utility shall use a prepared statement to inform a prospective customer of the lowest cost service available, including services as measured party service and toll limitation services if offered and the lowest cost one (1) party service available to such prospective customer and the lowest equipment cost for such grades of service.

(2) A copy of all prepared statements required by this rule shall be provided to the commission, its counsel and the public counsel upon request.

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

**Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; and 392.200, RSMo 1939, amended 1987, 1988, 1996.*

4 CSR 240-33.040 Billing and Payment Standards for Residential Customers

PURPOSE: This rule establishes billing and payment standards to be observed by telecommunications companies and residential customers in resolving questions regarding these matters so that reasonable and uniform standards exist for billing and payment practices for all telecommunications companies.

(1) A telecommunications company, after the initial bill for new service is rendered, shall render a bill during each billing period except when the bill has a "00" balance.

(2) Except where otherwise authorized by these rules, a telecommunications company may render bills on a cyclical basis if the bill is rendered on or about the same day of each month or as otherwise agreed to by the customer.

(3) If a telecommunications company does not expressly offer a preferred payment date plan, a customer shall have at least twenty-one (21) days from the rendition of a bill to pay the charges stated. If the charges remain unpaid for twenty-one (21) days from rendition of the bill such charges will be deemed delinquent.

(4) If a telecommunications company has a preferred payment date plan which it has expressly offered to all its customers, the

charges are due on or before the due date under the plan. Charges not paid by the due date may be deemed delinquent.

(5) A telecommunications company may assess a penalty charge upon a delinquent account. Such charge shall be specifically stated in the company's tariff.

(6) Every bill shall clearly state—

(A) The number of access lines for which charges are stated;

(B) The beginning or ending dates of the billing period for which charges are stated;

(C) A statement of the date the bill becomes delinquent if not paid;

(D) Penalty fees and advance payments, if any;

(E) The unpaid balance, if any;

(F) The amount due for basic service;

(G) An itemization of the amount due for all other regulated or nonregulated services including the date and duration (in minutes or seconds) of each toll call if such service is provided as an individual service;

(H) The amount due for all other regulated or nonregulated services offered at a packaged rate and an itemization of each service included in the package;

(I) An itemization of the amount due for taxes, franchise fees and other fees and/or surcharges which the telecommunications company, pursuant to its tariffs, bills to customers;

(J) The total amount due;

(K) A toll free telephone number where inquiries and/or dispute resolutions may be made for each company with charges appearing on the customer's bill;

(L) The amount of any deposit, advance payments and/or interest accrued on a deposit which has been credited to the charges stated; and

(M) Any other credits and charges applied to the account during the current billing period.

(7) The amount of any deposit held by the company and the interest accrual rate shall be stated on the first bill for which a customer received service and on the last bill for which the customer received service.

(8) During the first billing period in which a customer receives service, a customer must receive a bill insert or other written notice that contains an itemized account of the charges for the equipment and service for which the customer has contracted.

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, effective April 30, 2000.

**Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; and 392.200, RSMo 1939, amended 1987, 1988, 1996.*

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. The deposit may be required prior to and no more than thirty (30) calendar days after the telecommunications company actually provides service as stated in the company's tariff.

(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 December 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) 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 to post a deposit required as a condition of continued service 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, and standardized record keeping and verification procedures for uncollectible accounts.

(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 estimated charges for one (1) month of services requested by the customer unless a different amount is otherwise specified in the telecommunications company's 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, effective April 30, 2000.*

**Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; and 392.200, RSMo 1939, amended 1987, 1988, 1996.*

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. Additional requirements pertaining to this subject matter are also found at 4 CSR 240-3.555.

(1) 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.

AUTHORITY: sections 386.040, 386.250 and 392.200, RSMo 2000. Original rule filed Jan. 14, 1977, effective Oct. 1, 1977. Rescinded and readopted: Filed Aug. 26, 1999, effective April 30, 2000. Amended: Filed Aug. 16, 2002, effective April 30, 2003.*

**Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; and 392.200, RSMo 1939, amended 1987, 1988, 1996.*

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 establishes 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), (4) and (5) 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 discontinued 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. Nonpayment of the Missouri Universal Service Fund (USF) surcharge shall be considered nonpayment of basic local telecommunications services for the purposes of this rule.

(3) A telecommunications company may place global toll blocking and eliminate any optional, non-basic calling features and functions for customer nonpayment of delinquent

charges for other than basic local telecommunications service.

(4) Subject to the requirements of this chapter, service may be discontinued during normal business hours on or after the date specified in the notice of discontinuance. 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.

(5) Telecommunications service shall not be discontinued under section (1) of this rule unless written notice by first-class mail is served on 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.

(6) 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 (8) of this rule.

(7) 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 in addition to the notice required in section (5), a door hanger or at least one (1) telephone call attempt to reach the customer.

(8) Notwithstanding any other provision of this chapter, a telecommunications company shall postpone a discontinuance for at least

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.

(9) 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.

(10) 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, 386.250 and 392.200, RSMo 2000. 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, effective April 30, 2000. Amended: Filed Oct. 30, 2002, effective July 30, 2003.*

**Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; and 392.200, RSMo 1939, amended 1987, 1988, 1996.*

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 prior to the delinquent date of the charge 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. The telecommunications company shall not discontinue service to a customer for nonpayment of charges in dispute while that dispute is pending.

(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. The telecommunications company shall not discontinue service to a customer for nonpayment of charges in dispute while that dispute is pending.

(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) After resolution of the customer complaint, 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, effective April 30, 2000.

*Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; and 392.200, RSMo 1939, amended 1987, 1988, 1996.

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, effective April 30, 2000.

*Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; and 392.200, RSMo 1939, amended 1987, 1988, 1996.

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 that variance.

(2) A variance request shall be filed in writing with the secretary of the commission in compliance with 4 CSR 240-2.060.

(3) Any variance granted by the commission shall be reflected in a tariff if applicable.

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, effective April 30, 2000.

*Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; and 392.200, RSMo 1939, amended 1987, 1988, 1996.

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, effective April 30, 2000.

*Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; and 392.200, RSMo 1939, amended 1987, 1988, 1996.

4 CSR 240-33.120 Payment Discounts 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.

(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 intrastate discounts shall be available to the extent that the eligible schools and libraries also receive funds from the Federal Universal Service Fund and 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.

AUTHORITY: sections 386.040, RSMo 1994, 386.250 and 392.200, RSMo Supp. 1998.* Original rule filed Aug. 26, 1999, effective April 30, 2000.

*Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; and 392.200, RSMo 1939, amended 1987, 1988, 1996.

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 carrier or local exchange company.

AUTHORITY: sections 386.040, RSMo 1994, 386.250 and 392.200, RSMo Supp. 1998. Original rule filed Aug. 26, 1999, effective April 30, 2000.*

**Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; and 392.200, RSMo 1939, amended 1987, 1988, 1996.*

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 except as otherwise authorized by law.

(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, effective April 30, 2000.*

**Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; and 392.200, RSMo 1939, amended 1987, 1988, 1996.*

4 CSR 240-33.150 Verification of Orders for Changing Telecommunications Service Provider

PURPOSE: This rule reduces or eliminates the practice of "slamming," the unauthorized change of a customer's preferred telecommunications carrier without the customer's knowledge or consent, by establishing the requirements telecommunications companies must follow in changing telecommunications providers pursuant to customer request.

(1) Definitions. For the purposes of 4 CSR 240-33.150, the following definitions are applicable:

(A) Submitting carrier: a submitting carrier is generally any telecommunications carrier that—a) requests on the behalf of a sub-

scriber that the subscriber's telecommunications carrier be changed, and b) seeks to provide retail services to the end user subscriber. A carrier may be treated as a submitting carrier, however, if it is responsible for any unreasonable delays in the submission of carrier change requests or for the submission of unauthorized carrier change requests, including fraudulent authorizations;

(B) Executing carrier: an executing carrier is generally any telecommunications carrier that effects a request that a subscriber's telecommunications carrier be changed. A carrier may be treated as an executing carrier, however, if it is responsible for any unreasonable delays in the execution of carrier changes or for the execution of unauthorized carrier changes, including fraudulent authorizations;

(C) Authorized carrier: an authorized carrier is generally any telecommunications carrier that submits a change, on behalf of a subscriber, in the subscriber's selection of a provider of telecommunications service with the subscriber's authorization verified in accordance with the procedures specified in 4 CSR 240-33.150;

(D) Unauthorized carrier: an unauthorized carrier is generally any telecommunications carrier that submits a change, on behalf of a subscriber, in the subscriber's selection of a provider of telecommunications service but fails to obtain the subscriber's authorization verified in accordance with the procedures specified in 4 CSR 240-33.150;

(E) Unauthorized change: an unauthorized change is a change in a subscriber's selection of a provider of telecommunications service that was made without authorization verified in accordance with the verification procedures contained in 4 CSR 240-33.150; and

(F) Commission: the Missouri Public Service Commission as created by Chapter 386 of the *Missouri Revised Statutes*.

(2) Changes in Subscriber Carrier Selections.

(A) No telecommunications carrier shall submit or execute a change on the behalf of a subscriber in the subscriber's selection of a provider of telecommunications service except in accordance with the procedures prescribed in 4 CSR 240-33.150.

1. No submitting carrier shall submit a change on the behalf of a subscriber in the subscriber's selection of a provider of telecommunications service prior to obtaining: a) authorization from the subscriber, and b) verification of that authorization in accordance with the procedures prescribed in section (3). For a submitting carrier, compliance with the procedures prescribed in 4 CSR 240-33.150 shall be defined as compliance with 4

CSR 240-33.150(2) and (3). The submitting carrier shall maintain and preserve records of verification of subscriber authorization for a minimum period of two (2) years after obtaining such verification.

2. An executing carrier shall not verify the submission of a change in a subscriber's selection of a provider of telecommunications service received from a submitting carrier. For an executing carrier, compliance with the procedures prescribed in 4 CSR 240-33.150 shall be defined as prompt execution, without any unreasonable delay, of changes that have been verified by a submitting carrier.

3. Where a telecommunications carrier is selling more than one (1) type of telecommunications service (e.g., local exchange, intraLATA/intrastate toll, interLATA/interstate toll, and international toll) that carrier must obtain separate authorization from the subscriber for each service sold, although the authorizations may be made within the same solicitation. Each authorization must be verified separately from any other authorizations obtained in the same solicitation. Each authorization must be verified in accordance with the verification procedures prescribed in 4 CSR 240-33.150.

(3) Verification of Orders for Telecommunications Service.

(A) No telecommunications carrier shall submit a preferred carrier change order unless and until the order has first been confirmed in accordance with subsection (3)(B), (C) or (D).

(B) The telecommunications carrier has obtained the subscriber's written authorization in a form that meets the requirements of 4 CSR 240-33.150(4).

(C) The telecommunications carrier has obtained the subscriber's electronic authorization to submit the preferred carrier change order. Such authorization must be placed from the telephone number(s) on which the preferred carrier is to be changed and must confirm the information required in section (4) of this rule. Telecommunications carriers electing to confirm sales electronically shall establish one (1) or more toll-free telephone numbers exclusively for that purpose. Calls to the number(s) shall connect a subscriber to a voice response unit, or similar mechanism that records the required information regarding the preferred carrier change, including automatically recording the originating automatic numbering identification.

(D) An appropriately qualified independent third party has obtained the subscriber's oral authorization to submit the preferred carrier change order that confirms and includes

appropriate verification data (e.g., the subscriber's date of birth). The independent third party—a) must not be owned, managed, controlled, or directed by the carrier or the carrier's marketing agent; b) must not have any financial incentive to confirm preferred carrier change orders for the carrier or the carrier's marketing agent; and c) must operate in a location physically separate from the carrier or the carrier's marketing agent. The content of the verification must include clear and conspicuous confirmation that the subscriber has authorized a preferred carrier change.

(4) Letter of Agency Form and Content.

(A) A telecommunications carrier may use a letter of agency to obtain written authorization and/or verification of a subscriber's request to change his or her preferred carrier selection. A letter of agency that does not conform with this section is invalid for purposes of 4 CSR 240-33.150.

(B) The letter of agency shall be a separate document (or an easily separable document) containing only the authorizing language described in subsection (E) of this section having the sole purpose of authorizing a telecommunications carrier to initiate a preferred carrier change. The letter of agency must be signed and dated by the subscriber to the telephone line(s) requesting the preferred carrier change.

(C) The letter of agency shall not be combined on the same document with inducements of any kind.

(D) Notwithstanding subsections (B) and (C) of this section, the letter of agency may be combined with checks that contain only the required letter of agency language as prescribed in subsection (E) of this section and the necessary information to make the check a negotiable instrument. The letter of agency check shall not contain any promotional language or material. The letter of agency check shall contain in easily readable, bold-face type on the front of the check, a notice that the subscriber is authorizing a preferred carrier change by signing the check. The letter of agency language shall be placed near the signature line on the back of the check.

(E) At a minimum, the letter of agency shall be printed with a type of sufficient size and readable type to be clearly legible and shall contain clear and unambiguous language that confirms—

1. The subscriber's billing name and address and each telephone number to be covered by the preferred carrier change order;

2. The decision to change the preferred carrier from the current telecommunications

carrier to the soliciting telecommunications carrier;

3. That the subscriber designates the submitting carrier to act as the subscriber's agent for the preferred carrier change;

4. That the subscriber understands that only one (1) telecommunications carrier may be designated as the subscriber's interstate or interLATA preferred interexchange carrier for any one (1) telephone number. The letter of agency shall contain separate statements regarding intraLATA/intrastate and interLATA/interstate, although a separate letter of agency for each choice is not necessary; and

5. That the subscriber understands that any preferred carrier selection the subscriber chooses may involve a charge to the subscriber for changing the subscriber's preferred carrier.

(F) Any carrier designated in a letter of agency as a preferred carrier must be the carrier directly setting the rates for the subscriber.

(G) Letters of agency shall not suggest or require that a subscriber take some action in order to retain the subscriber's current telecommunications carrier.

(H) If any portion of a letter of agency is translated into another language then all portions of the letter of agency shall be translated into that language. Every letter of agency shall be translated into the same language as any promotional materials, oral descriptions or instructions provided with the letter of agency.

(5) Preferred Carrier Freezes.

(A) A preferred carrier freeze (or freeze) prevents a change in a subscriber's preferred carrier selection unless the subscriber gives the carrier from whom the freeze was requested his or her express consent. All local exchange carriers who offer preferred carrier freezes must comply with the provisions of this section.

(B) All local exchange carriers who offer preferred carrier freezes shall offer freezes on a nondiscriminatory basis to all subscribers, regardless of the subscriber's carrier selections.

(C) Preferred carrier freeze procedures, including any solicitation, must clearly distinguish among telecommunications services (e.g., local exchange, intraLATA/intrastate toll, interLATA/interstate toll, and international toll) subject to a preferred carrier freeze. The carrier offering the freeze must obtain separate authorization for each service for which a preferred carrier freeze is requested.

(D) Solicitation and Imposition of Preferred Carrier Freezes.

1. All carrier-provided solicitation and other materials regarding preferred carrier freezes must include:

A. An explanation, in clear and neutral language, of what a preferred carrier freeze is and what services may be subject to a freeze;

B. A description of the specific procedures necessary to lift a preferred carrier freeze; an explanation that these steps are in addition to the commission's verification rules in sections 4 CSR 240-33.150(2) and (3) for changing a subscriber's preferred carrier selections; and an explanation that the subscriber will be unable to make a change in carrier selection unless he or she lifts the freeze; and

C. An explanation of any charges associated with the preferred carrier freeze.

2. No local exchange carrier shall implement a preferred carrier freeze unless the subscriber's request to impose a freeze has first been confirmed in accordance with one (1) of the following procedures:

A. The local exchange carrier has obtained the subscriber's written and signed authorization in a form that meets the requirements of 4 CSR 240-33.150(4); or

B. The local exchange carrier has obtained the subscriber's electronic authorization, placed from the telephone number(s) on which the preferred carrier freeze is to be imposed, to impose a preferred carrier freeze. The electronic authorization should confirm appropriate verification data (e.g., the subscriber's date of birth) and the information required in section (4). Telecommunications carriers electing to confirm preferred carrier freeze orders electronically shall establish one or more toll-free telephone numbers exclusively for that purpose. Calls to the number(s) will connect a subscriber to a voice response unit, or similar mechanism that records the required information regarding the preferred carrier freeze request, including automatically recording the originating automatic numbering identification; or

C. An appropriately qualified independent third party has obtained the subscriber's oral authorization to submit the preferred carrier freeze and confirmed the appropriate verification data (e.g., the subscriber's date of birth) and the information required in section (4). The independent third party must—1) not be owned, managed, or directly controlled by the carrier or the carrier's marketing agent; 2) must not have any financial incentive to confirm preferred carrier freeze requests for the carrier or the carrier's marketing agent; and 3) must operate in a location physically separate from the carrier or the carrier's marketing agent. The con-

tent of the verification must include clear and conspicuous confirmation that the subscriber has authorized a preferred carrier freeze.

3. Written authorization to impose a preferred carrier freeze. A local exchange carrier may accept a subscriber's written and signed authorization to impose a freeze on his or her preferred carrier selection. Written authorization that does not conform with this section is invalid and may not be used to impose a preferred carrier freeze.

A. The written authorization shall comply with section (4) of the commission's rules concerning the form and content for letters of agency.

B. At a minimum, the written authorization must be printed with a readable type of sufficient size to be clearly legible and must contain clear and unambiguous language that confirms—

(I) The subscriber's billing name and address and the telephone number(s) to be covered by the preferred carrier freeze;

(II) The decision to place a preferred carrier freeze on the telephone number(s) and particular service(s). To the extent that a jurisdiction allows the imposition of preferred carrier freezes on additional preferred carrier selections (e.g., for local exchange, intraLATA/intrastate toll, interLATA-/interstate toll service, and international toll), the authorization must contain separate statements regarding the particular selections to be frozen;

(III) That the subscriber understands that she or he will be unable to make a change in carrier selection unless she or he lifts the preferred carrier freeze; and

(IV) That the subscriber understands that any preferred carrier freeze may involve a charge to the subscriber.

(E) Procedures for Lifting Preferred Carrier Freezes. All local exchange carriers who offer preferred carrier freezes must, at a minimum, offer subscribers the following procedures for lifting a preferred carrier freeze:

1. A local exchange carrier administering a preferred carrier freeze must accept a subscriber's written and signed authorization stating her or his intent to lift a preferred carrier freeze; and

2. A local exchange carrier administering a preferred carrier freeze must accept a subscriber's oral authorization stating her or his intent to lift a preferred carrier freeze and must offer a mechanism that allows a submitting carrier to conduct a three (3)-way conference call with the carrier administering the freeze and the subscriber in order to lift a freeze. When engaged in oral authorization to lift a preferred carrier freeze, the carrier administering the freeze shall confirm appro-

priate verification data (e.g., the subscriber's date of birth) and the subscriber's intent to lift the particular freeze.

(6) Carrier Liability for Charges. Any submitting telecommunications carrier that fails to comply with the procedures prescribed in 4 CSR 240-33.150 shall be liable to the subscriber's properly authorized carrier in an amount equal to all charges paid to the submitting telecommunications carrier by such subscriber after such violation. The remedies provided in 4 CSR 240-33.150 are in addition to any other remedies available at law.

AUTHORITY: sections 386.040, RSMo 1994 and 386.250, 392.200, and 392.540, RSMo Supp. 1998. Emergency rule filed Oct. 21, 1998, effective Jan. 1, 1999, expired June 29, 1999. Emergency rule filed June 17, 1999, effective June 30, 1999, terminated Nov. 30, 1999. Original rule filed July 8, 1999, effective Nov. 30, 1999.*

**Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; 392.200, RSMo 1939, amended 1987, 1988, 1996; and 392.540, RSMo 1998.*