



**Rules of
Department of Commerce and
Insurance**

**Division 4240—Public Service Commission
Chapter 31—Universal Service**

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**Title 20—DEPARTMENT OF
COMMERCE AND INSURANCE
Division 4240—Public Service
Commission
Chapter 31—Universal Service**

20 CSR 4240-31.010 Definitions

PURPOSE: This rule defines terms used in the rules comprising Chapter 31.

(1) Board—The Missouri Universal Service Board. The board consists of members of the Missouri Public Service Commission and the public counsel.

(2) Commission—Missouri Public Service Commission.

(3) Disabled Program—A Missouri program offering discounted essential local telecommunications service to qualifying disabled consumers.

(4) ETC—Refers to eligible telecommunications carrier. ETC designation allows a company to receive federal universal service funding as contemplated under 47 U.S.C. 214(e) and 47 CFR Part 54 Subpart C. ETC designation is also necessary for a company to participate in the MoUSF Lifeline program.

(5) Essential local telecommunications service—Local circuit-switched voice telephone service which provides voice grade access to and from the public switched network including access to 911-related emergency services to the extent implemented by a local government.

(6) FCC—Refers to Federal Communications Commission who oversees the federal USF.

(7) IVoIP—Refers to Interconnected Voice over Internet Protocol as defined in section 386.020, RSMo.

(8) Lifeline Program—A federal/state program offering discounted essential local telecommunications service to qualifying low-income consumers.

(9) Missouri USF website—www.missouriusf.com.

(10) Net jurisdictional revenue—Refers to a company's Missouri retail revenue received from end-user customers from the provision of intrastate regulated telecommunications and IVoIP services excluding revenue received from payphone and shared tenant services, taxes, and uncollectibles.

(11) USF—Refers to Universal Service Fund.

AUTHORITY: sections 392.200.2, 392.248, and 392.470.1, RSMo 2016.* This rule originally filed as 4 CSR 240-31.010. Original rule filed Aug. 15, 1997, effective April 30, 1998. Amended: Filed Oct. 30, 2002, effective July 30, 2003. Emergency amendment filed May 31, 2005, effective June 10, 2005, expired Feb. 15, 2006. Amended: Filed June 30, 2005, effective Feb. 28, 2006. Emergency amendment filed July 22, 2008, effective Aug. 1, 2008, expired Jan. 29, 2009. Amended: Filed July 22, 2008, effective Feb. 28, 2009. Emergency amendment filed May 18, 2012, effective June 1, 2012, expired Feb. 28, 2013. Amended: Filed May 30, 2012, effective Dec. 30, 2012. Amended: Filed Aug. 7, 2013, effective April 30, 2014. Amended: Filed April 12, 2018, effective Dec. 30, 2018. Moved to 20 CSR 4240-31.010, effective Aug. 28, 2019.

**Original authority:* 392.200, RSMo 1939, amended 1987, 1988, 1996, 2003, 2005, 2008; 392.248, RSMo 1996; and 392.470.1, RSMo 1987.

20 CSR 4240-31.011 Missouri USF Administration

PURPOSE: This proposed rule explains how the Missouri USF is supervised and maintained.

(1) The board supervises the management of the Missouri Universal Service Fund (USF). Notice of board meetings will be provided in accordance with section 610.020, RSMo. The commission's website contains board bylaws, prior board meeting minutes, and a sign-up procedure for obtaining advance electronic notification of board meetings.

(2) The Missouri USF administrator is responsible for the day-to-day operations of the Missouri USF. Any action taken or decision issued by the Missouri USF administrator may be reviewed by the board if made in writing to the Missouri USF administrator within thirty (30) days of the date of action. Decisions regarding an appeal will be made by the board or as delegated by the board to its staff.

AUTHORITY: sections 392.200.2, 392.248, and 392.470.1, RSMo 2016.* This rule originally filed as 4 CSR 240-31.011. Original rule filed April 12, 2018, effective Dec. 30, 2018. Moved to 20 CSR 4240-31.011, effective Aug. 28, 2019.

**Original authority:* 392.200, RSMo 1939, amended 1987, 1988, 1996, 2003, 2005, 2008; 392.248, RSMo 1996; and 392.470.1, RSMo 1987.

20 CSR 4240-31.012 Missouri USF Assessment

PURPOSE: This rule establishes Missouri USF assessment procedures.

(1) The Missouri Universal Service Fund (USF) assessment is applied to the net jurisdictional revenue of all registered Interconnected Voice over Internet Protocol (IVoIP) providers and certificated telecommunications companies except: pay telephone providers, shared tenant services (STS) providers, and those companies with annual net jurisdictional revenue below a de minimis level as identified on the Missouri USF website. This website also identifies the current Missouri USF assessment factor, payment deadlines, late payment fees, and other details associated with the assessment process.

(2) Companies will receive at least sixty (60) days advance notice of a commission approved Missouri USF assessment change.

(3) Remittances may be submitted to the Missouri USF administrator using either of the following two (2) methods:

(A) A carrier may remit an amount based solely on applying the percentage assessment to the carrier's Missouri net jurisdictional revenue. If this method is used, no refunds will be given if a carrier subsequently finds it remitted more than collected; or

(B) A carrier may remit all funds received as a result of the application of a surcharge through a line item on a retail end-user customers' bill. This method satisfies the carrier's annual percentage assessment if—

1. The surcharge equals the percentage assessment ordered by the commission;

2. The surcharge is identified as "Missouri Universal Service Fund"; and

3. The surcharge percentage is applied to each customer's total charges associated with the carrier's net jurisdictional revenues.

AUTHORITY: sections 392.200, 392.248, and 392.470.1, RSMo 2016.* This rule originally filed as 4 CSR 240-31.012. Original rule filed April 12, 2018, effective Dec. 30, 2018. Moved to 20 CSR 4240-31.012, effective Aug. 28, 2019.

**Original authority:* 392.200, RSMo 1939, amended 1987, 1988, 1996, 2003, 2005, 2008; 392.248, RSMo 1996; and 392.470.1, RSMo 1987.



20 CSR 4240-31.014 Lifeline and Disabled Programs

PURPOSE: This proposed rule identifies enrollment, funding, and service requirements for the Lifeline and/or Disabled programs.

(1) Missouri Universal Service Fund (USF) support for the Lifeline and Disabled programs is limited to companies that are current on Missouri USF assessment obligations, meet the requirements of section 392.248.4(2) of the Missouri Revised Statutes, and have a certificate of service authority to provide basic local telecommunications service or a registration to provide Interconnected Voice over Internet Protocol (VoIP) service from the commission. Eligible Telecommunications Carrier (ETC) designation pursuant to 47 CFR Part 54 Subpart C is a requirement for participation in the Lifeline program but not the Disabled program. Participation in the Disabled program by an ETC is optional.

(2) The Lifeline Program is subject to the federal requirements identified in FCC rules.

(3) The Disabled Program.

(A) Eligibility criteria is satisfied by participation in any of the following programs—

- 1. Veteran Administration Disability Benefits;
2. State Blind Pension;
3. State Aid to Blind Persons;
4. State Supplemental Disability Assistance; or
5. Federal Social Security Disability.

(B) If a consumer qualifies for the Disabled Program but is not listed as the subscriber then the company must track such instances and annually verify the disabled customer remains within the household.

(4) A household or subscriber may not simultaneously participate in the Disabled Program and the Lifeline Program.

(5) The enrollment form for the Lifeline Program should comply with federal requirements. The enrollment form for the Disabled Program may be similar to the sample form posted on the commission's website.

(6) All Missouri USF support received by a company for the Lifeline or Disabled Programs shall flow through to participating customers in the form of discounted essential local telecommunications service.

(7) The Missouri USF support amount for the Lifeline and Disabled Programs is identified on the Missouri USF website. Missouri USF

Lifeline support, when combined with federal USF Lifeline support, shall not exceed the sum of an ETC's rate for essential local telecommunications service and subscriber line charge.

(8) In order to receive a Missouri USF disbursement a company must complete an Application for Support Eligibility form within three (3) months of provisioning the service pertaining to the disbursement request. Failure to submit this form within this time period will limit support to the amount requested or to a designated amount approved by the board and posted on the Missouri USF website (whichever is less).

AUTHORITY: sections 392.200.2, 392.248, and 392.470.1, RSMo 2016. * This rule originally filed as 4 CSR 240-31.014. Original rule filed April 12, 2018, effective Dec. 30, 2018. Moved to 20 CSR 4240-31.014, effective Aug. 28, 2019.

*Original authority: 392.200, RSMo 1939, amended 1987, 1988, 1996, 2003, 2005, 2008; 392.248, RSMo 1996; and 392.470.1, RSMo 1987.

20 CSR 4240-31.015 ETC Requirements

PURPOSE: This proposed rule reflects Missouri-specific requirements applicable to ETCs.

(1) Any Eligible Telecommunications Carrier (ETC) receiving ETC designation from the commission will—

(A) Solely conduct business using the name or "DBA" under which the commission granted ETC designation. Use of other or additional names such as brand or service names is prohibited;

(B) Maintain a current list of company-designated contacts within Electronic Filing Information System (EFIS);

(C) Provide a copy, to the manager of the commission's Telecommunications Department, of any finding by a state or federal authority that the company has violated universal service fund program requirements;

(D) An ETC will cooperate and comply with periodic audits and/or requests for information by the commission staff to monitor compliance with this chapter; and

(E) An ETC will not self-certify to the federal USF administrator for receipt of federal Universal Service Fund (USF) unless the Federal Communications Commission (FCC) has preempted such state commission authority.

(2) Notice requirement for ETC name changes.

At least ten (10) days prior to the use of a new name, an ETC should file a written notice in EFIS that includes—

(A) A statement clearly setting out both the old name and the new name;

(B) Evidence of registration of the new name with the Missouri Secretary of State;

(C) A statement that the company will continue to comply with all applicable laws and rules relating to ETC designation;

(D) A statement that the company's contacts in EFIS have been reviewed and are correct; and

(E) A copy of the notice informing customers of the name change.

(3) Annual filing requirement. In concurrence with the Form 481 deadline, an ETC shall annually submit into EFIS—

(A) A copy of the company's Form 481 report;

(B) Certification from an officer of the company attesting under penalty of perjury to the following information:

1. The company has policies and procedures in place to ensure Lifeline subscribers are eligible to receive Lifeline service;

2. The company is in compliance with all federal Lifeline certification procedures;

3. The company complies with the minimum service levels set forth in FCC rule section 54.408; and

4. The company's Missouri operations solely use the name of the company as recognized by the commission for ETC designation in all marketing and USF-related materials;

(C) The website address containing information about the company's Lifeline service or alternatively state the company does not maintain such a website; and

(D) If the ETC has received or will receive high cost support then the company's officer certification should include the following additional attestations and information—

1. All federal high-cost support provided to the company within Missouri was used in the preceding calendar year and will be used in the coming calendar year only for the provision, maintenance, and upgrading of facilities and services for which the support is intended;

2. The applicable study area code(s) of the company's high-cost service area; and

3. For wireless ETCs, the company complies with the latest edition of Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service.

(4) The relinquishment of ETC status is accomplished by providing a letter signed by an authorized company official or representative at least sixty (60) days prior to relinquishing ETC status demonstrating compliance with 47 U.S.C. section 214(e)(4).



AUTHORITY: sections 392.200.2, 392.248, and 392.470.1, RSMo 2016. This rule originally filed as 4 CSR 240-31.015. Original rule filed April 12, 2018, effective Dec. 30, 2018. Moved to 20 CSR 4240-31.015, effective Aug. 28, 2019.*

**Original authority: 392.200, RSMo 1939, amended 1987, 1988, 1996, 2003, 2005, 2008; 392.248, RSMo 1996; and 392.470.1, RSMo 1987.*

20 CSR 4240-31.016 ETC Application Requirements

PURPOSE: This proposed rule identifies application requirements for companies seeking ETC status for the purpose of receiving federal USF support.

(1) Any company seeking Eligible Telecommunications Carrier (ETC) status for the purpose of participating in the federal Universal Service Fund (USF) high cost programs and/or Lifeline program in Missouri shall apply for ETC designation with the commission unless otherwise preempted by the Federal Communications Commission (FCC).

(2) ETC application requirements—

(A) All ETC applications shall comply with the application requirements identified in 4 CSR 240-2.060 and be verified by oath as to the truthfulness therein by an officer or director of the applicant; and

(B) In addition to the requirements of 4 CSR 240-2.060 and 47 C.F.R. section 54.201 and section 54.202, all ETC applications should—

1. Identify any individual or entity having a ten percent (10%) or more ownership interest in the applicant.

2. Identify all officers, directors, and other persons, regardless of title, who fill the role of officer or director of the company;

3. Identify any company sharing common ownership or management with the applicant that has ever received funds from the federal USF or any state universal service fund.

4. Provide the details of any matter brought in the last ten (10) years by any state or federal regulatory or law enforcement agency against any of the individuals, entities, managers, officers, directors of other companies sharing common ownership or management with the applicant involving fraud, deceit, perjury, stealing, or the omission or misstatement of material fact in connection with a commercial transaction;

5. Identify the website containing information about the applicant's service and rates. If such information will be contained in a tariff maintained with the commission, then

either provide a tariff filing or cite the existing tariff;

6. Provide statements addressing each of the following:

A. The applicant will comply with the ETC requirements identified in 4 CSR 240-31.015;

B. Whether the applicant intends to seek support from the Missouri USF. If so, the applicant should also state whether it intends to participate in the Disabled program;

C. A commitment to notify the commission of any changes to company contact information;

D. If the applicant is certificated or registered by the commission, a statement that the company is compliant with all reporting and assessment obligations; and

E. A statement that the applicant is compliant with contribution obligations to the federal USF; and

7. A copy of the FCC's decision if an applicant has sought and obtained a waiver of any ETC requirement from the FCC.

(3) ETC status, if granted, will be issued by commission order. The company is responsible for providing a copy of the order to the federal Universal Service Fund administrator.

(4) The commission may grant a waiver of or variance from any provision of 4 CSR 240-31.010 through 4 CSR 240-31.016 for good cause, upon request or upon its own motion.

AUTHORITY: sections 392.200.2, 392.248, and 392.470.1, RSMo 2016. This rule originally filed as 4 CSR 240-31.016. Original rule filed April 12, 2018, effective Dec. 30, 2018. Moved to 20 CSR 4240-31.016, effective Aug. 28, 2019.*

**Original authority: 392.200, RSMo 1939, amended 1987, 1988, 1996, 2003, 2005, 2008; 392.248, RSMo 1996; and 392.470.1, RSMo 1987.*