



**Rules of
Department of Economic
Development**

**Division 240—Public Service Commission
Chapter 28—Telecommunications, IVoIP, Video Services**

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**Title 4—DEPARTMENT OF
ECONOMIC DEVELOPMENT**

**Division 240—Public Service
Commission**

**Chapter 28—Telecommunications, IVoIP,
Video Services**

4 CSR 240-28.010 Definitions

PURPOSE: This rule defines various terms used in this chapter, which are not defined in sections 386.020 or 67.2677, RSMo.

- (1) Access line—A line connected to the customer's premises used to provide basic local telecommunications service or used to provide IVoIP service.
- (2) Certification—The granting of a certificate of service authority by the commission or charter by the state of Missouri.
- (3) Commission—The Missouri Public Service Commission.
- (4) EFIS—The commission's Electronic Filing and Information System (EFIS). EFIS is a system allowing the electronic exchange of commission filings. The system also maintains certain information about each company registered or certificated by the commission. EFIS may be accessed through the commission's website at www.psc.mo.gov.
- (5) Detariff—To discontinue using a tariff to describe a company's rates, terms, and conditions of service by withdrawing the tariff, in whole or in part, from the commission's electronic filing and information system.
- (6) Information and Referral (I&R) service—A service used to provide community and referral information. As used in this chapter, this term is associated with an arrangement whereby callers can access an I&R service by dialing "211."
- (7) Interconnection agreement—An agreement that is required to be filed with a state commission as contemplated by 47 U.S.C. 252 containing the terms, conditions, and rates associated with interconnection services.
- (8) Interconnection services—Services associated with the duties and obligations placed on telecommunications carriers as contemplated by 47 U.S.C. 251.
- (9) Intrastate—A telecommunications or IVoIP service originating and terminating within Missouri regardless of how the service is routed.
- (10) Net Jurisdictional Revenue—This term is defined in 4 CSR 240-31.010(17).
- (11) Non-switched local exchange telecommunications service—Service connecting customer locations within an exchange to other points within the exchange provisioned by facilities dedicated to these locations and points, and which facilities to not switch the service to other locations and points.
- (12) Payphone service—Service providing two- (2-) way voice service for a fee to the general public using a privately owned device.
- (13) Registration—The granting of a registration to provide interconnected voice over Internet protocol service or video service by the commission.
- (14) Shared tenant service—Generally the provisioning of a commercially shared telecommunications service provided to residents in a building or a common limited geographic area.
- (15) Tariff—A document submitted to the commission identifying the telecommunications services offered by a company and also identifying the rates, terms, and conditions for the use of such services.
- (16) Total Missouri Jurisdictional Operating Revenue—A company's total revenue associated with the provisioning of intrastate telecommunications and IVoIP services. This revenue includes a company's net jurisdictional revenue, wholesale revenues, and any revenue received from the Missouri Universal Service Fund minus wholesale uncollectibles. Total Missouri jurisdictional operating revenue is annually reported and is used for the commission assessment.
- (17) Wholesale service—Telecommunications or IVoIP services provided to other telecommunications or IVoIP service providers.
- AUTHORITY: sections 386.040, 386.250, and 386.310, RSMo 2000, section 392.450, RSMo Supp. 2013, and section 392.461, RSMo Supp. 2014.* Original rule filed April 1, 2015, effective Dec. 30, 2015.*
- *Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; 386.310, RSMo 1939, amended 1979, 1989, 1996; 392.450, RSMo 1987, amended 1996, 2008; and 392.461, RSMo 2011, amended 2013, 2014.*
- 4 CSR 240-28.020 General Provisions**
- PURPOSE: This rule describes the general requirements applicable to providers of telecommunications, IVoIP, video, payphone, and shared tenant services in Missouri. Additional, specific requirements are identified in other chapters.*
- (1) Any company offering intrastate telecommunications service, IVoIP service, payphone service, or shared tenant service shall be certificated or registered by the commission prior to offering or selling such service in Missouri. A company without such certification or registration may offer services provided by a certificated or registered company only if all marketing, website, and billing information clearly indicates the service is provided by the certificated or registered company.
- (2) A company may seek video service authorization from the commission pursuant to sections 67.2675 to 67.2714, RSMo et seq.
- (3) All companies receiving certification or registration from the commission shall maintain updated contact information. Any company with telecommunications service certification or registration or IVoIP service registration is subject to additional reporting requirements as set forth in 4 CSR 240-28.040.
- (4) Any company offering intrastate telecommunications service may maintain a tariff with the commission for the provision of retail telecommunications services or may publish a description and rates for such services on a publicly-accessible website. A company providing payphone or shared tenant services is not subject to any tariff requirements.
- (5) Interconnection agreements and any adoptions or amendments thereto shall be filed with, and approved by, the commission as a condition of effectiveness of the agreements.
- (6) The commission may grant a waiver or variance from any provision of this chapter for good cause, upon request or upon its own motion. A party requesting a waiver or variance shall file an application with the commission setting out the reason for its request. An application for a waiver shall comply with the application requirements in 4 CSR 240-2.060.
- AUTHORITY: sections 386.040, 386.250, and 386.310, RSMo 2000, section 392.450, RSMo Supp. 2013, and section 392.461, RSMo Supp. 2014.* Original rule filed April 1, 2015, effective Dec. 30, 2015.*



**Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; 386.310, RSMo 1939, amended 1979, 1989, 1996; 392.450, RSMo 1987, amended 1996, 2008; and 392.461, RSMo 2011, amended 2013, 2014.*

4 CSR 240-28.030 Certification or Registration Requirements

PURPOSE: This rule identifies filing requirements for a certificate of service authority to provide telecommunications services or registration to provide IVoIP service or video service.

(1) The commission grants the following forms of certification or registration:

(A) Certificate of service authority to provide basic local telecommunications service;

(B) Certificate of service authority to provide non-switched local exchange telecommunications service;

(C) Certificate of service authority to provide interexchange telecommunications service;

(D) Certificate of service authority to provide payphone service;

(E) Certificate of service authority to provide shared tenant services;

(F) Registration to provide IVoIP service; and

(G) Registration to provide video service. A company may be granted one (1) or more of these certifications or registrations, in a single application or in multiple applications.

(2) Applications for certification or registration shall be electronically filed as a new case submission in Electronic Filing and Information System (EFIS). Please refer to EFIS's Help section for assistance in determining the specific filing designation.

(3) Application requirements identified within this rule identify all requirements needed to apply for any of the certifications and registrations listed in section (1). Application requirements contained in other Missouri commission rules do not apply.

(4) An application to provide basic local telecommunications service, non-switched local exchange telecommunications service, interexchange telecommunications service, and IVoIP service shall include the following requirements:

(A) The following basic information about the applicant:

1. The applicant's legal name;

2. The location of the applicant's principal place of business;

3. The type of organization of the applicant (Missouri corporation, foreign corporation, partnership, proprietorship, other); and

4. Jurisdiction where organized;

(B) The applicant's proposed service area identified by telephone exchange;

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

1. A statement the application accurately reflects the proposed service area;

2. The names of the principal executive officers of the applicant;

3. A statement the applicant is legally, financially, and technically qualified to provide the service;

4. A statement the applicant will comply with all applicable state and federal laws and regulations imposed upon providers of the service;

5. A statement indicating the company's contact information within the commission's EFIS is current and will be updated in a timely manner;

6. A statement the applicant will comply with applicable assessments and taxes;

7. A statement the applicant will comply with annual reporting requirements established by the commission; and

8. A statement the applicant has established a process for handling inquiries from customers concerning billing issues, service issues, and other consumer-related complaints. This statement shall also explain where to direct consumer complaints;

(D) The application shall be submitted and signed by an attorney licensed to practice law in Missouri; and

(E) An application for basic local telecommunications service shall include a statement indicating whether the applicant intends to file a tariff with the commission or maintain a website identifying rates provided to residential or business retail end user customers. If an applicant intends to maintain a website, then the application shall identify the website address. A tariff shall be filed for wholesale telecommunications services. Tariffing requirements and options are described in 4 CSR 240-28.070.

(5) An application to provide video service shall include the following requirements:

(A) Basic information about the applicant—

1. The applicant's legal name; and

2. The location of the applicant's principal place of business;

(B) The applicant's proposed service area identified by political subdivision along with the franchise fee, if any, applied by the political subdivision;

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

1. A statement the application accurately reflects the proposed service area and applicable franchise fees;

2. The names of the principal executive officers of the applicant;

3. A statement the applicant is legally, financially, and technically qualified to provide the service;

4. A statement the applicant will comply with all applicable state and federal laws and regulations imposed upon providers of the service;

5. A statement indicating the company's contact information within EFIS is current and will be updated in a timely manner;

6. A statement that the applicant has filed, or will timely file, with the Federal Communications Commission all forms required by that agency for offering video service; and

7. A statement that the applicant will comply with all applicable regulations concerning use of the public right-of-ways as provided in sections 67.1830 to 67.1846, RSMo; and

(D) The application shall be submitted and signed by an attorney licensed to practice law in Missouri.

(6) An application to provide payphone service or shared tenant service shall include the following requirements:

(A) Basic information about the applicant—

1. The applicant's legal name; and

2. The location of the applicant's principal place of business;

(B) A statement indicating the company's contact information within the EFIS is current and will be updated in a timely manner;

(C) A statement the applicant agrees to comply with all applicable federal and state laws and regulations;

(D) A statement that the applicant agrees to provide a complete list of served locations at the commission's request;

(E) Information about the proposed service locations—

1. The number of locations to be served;

2. The street address of the location(s) to be served; and

3. The description of the premises to be served (hospital, offices, etc.); and

(F) The application shall be submitted and signed by an attorney licensed to practice law in Missouri.

(7) A certificated or registered provider may change its service area by filing a Notice of Change application.

(A) This application shall contain all of the same information required for the initial



application with the following adjustments:

1. The provider shall indicate the date and case number(s) associated with the provider's initial certification or registration; and

2. A description as to how the applicant's proposed service area will change. Video service providers adding political subdivisions shall include the franchise fee applied by the political subdivision.

(B) A Notice of Change application shall be submitted and signed by an attorney licensed to practice law in Missouri.

(C) Payphone providers are not required to submit a Notice of Change application.

(8) Unless otherwise authorized by statute, commission certification or registration shall not be transferrable. Transactions involving the sale, merger, or consolidation of a company with existing certification or registration do not require commission approval. The notice requirements identified in sections (9) and (10) of this rule shall apply if a transaction results in a name change for the company with existing certification or registration or if a transaction results in the cancellation of a company's existing certification or registration.

(9) All companies with certification or registration to provide IVoIP service, video service, or any form of telecommunications service including shared tenant service or payphone service shall provide notice to the commission of any name changes. Notice shall be provided to the commission on or before the effective date of the name change. Name change notification requirements are listed below:

(A) The company shall submit to the commission a letter containing the following information:

1. A statement clearly setting out the old name and new name of the company;

2. Evidence the new name has been registered with the Missouri secretary of state;

3. A statement indicating if existing customers have been, or will be, notified about the company's new name; and

4. A statement that the company has reviewed and, if necessary, updated the company's contacts as listed in EFIS;

(B) The letter can be signed by a company official and does not need to be signed or filed by an attorney;

(C) The letter shall be electronically filed as a new case submission in the EFIS; and

(D) If a telecommunications company changes its name and maintains a tariff then, in addition to the notification requirements in subsection (9)(A), the company shall—

1. File a new tariff reflecting the new name of the company and cancel the existing tariff; or

2. File a one- (1-) page Adoption Notice with a revised title page to the existing tariff with a one (1) day effective date. The Adoption Notice shall substantially contain the following language: "The (new name of company) hereby adopts, ratifies, and makes its own, in every respect as if the same had been originally filed by it, all tariffs filed with the Public Service Commission, state of Missouri by the (name of old company) prior to (date)."

(10) Notice shall be provided to the commission to cancel certification(s) or registration(s) previously granted by the commission. Such notice shall comply with the following requirements:

(A) The company shall submit written notice to the commission, a letter containing the following information:

1. A statement requesting cancellation of a company's certification or registration and citing the specific certificates of service authority and/or registrations; and

2. If the company also has a currently effective tariff, then the letter shall also request cancellation of the company's tariff;

(B) The letter can be signed by a company official and does not need to be signed or filed by an attorney; and

(C) The letter shall be electronically filed in EFIS.

AUTHORITY: sections 386.040, 386.250, and 386.310, RSMo 2000, section 392.450, RSMo Supp. 2013, and section 392.461, RSMo Supp. 2014. Original rule filed April 1, 2015, effective Dec. 30, 2015.*

**Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; 386.310, RSMo 1939, amended 1979, 1989, 1996; 392.450, RSMo 1987, amended 1996, 2008; and 392.461, RSMo 2011, amended 2013, 2014.*

4 CSR 240-28.040 Reporting Requirements

PURPOSE: This rule identifies reporting requirements for companies authorized to provide telecommunications, IVoIP, video, payphone, or shared tenant services in Missouri.

(1) Company contacts. Any company receiving certification or registration from the commission to provide telecommunications, IVoIP, video, payphone, or shared tenant services shall maintain an updated list of company contacts in Electronic Filing and Information System (EFIS).

(2) Annual Report. A company certificated to

provide telecommunications service or registered to provide IVoIP service shall submit an annual report to the commission. A company providing shared tenant services or payphone services is not required to submit an annual report. Annual report requirements are listed below:

(A) All companies shall use the annual report form provided by the commission on the commission's website. Failure to receive the annual report form does not relieve a company of its obligation to file the annual report. All annual report forms shall contain a notarized affidavit verifying the accuracy of the annual report information and confirming the company's EFIS contact information and disaster recovery plan contacts are current;

(B) The deadline for a company to submit a completed annual report is April 15.

1. A company that is unable to meet the April 15 submission date deadline may request an extension of this deadline by filing a letter through EFIS. The letter shall include an explanation for failing to meet the deadline and the date by which the annual report will be filed.

A. If a request for extension is made prior to the filing deadline, a thirty- (30-) day extension will automatically be granted.

B. Requests for an extension greater than thirty (30) days or requests after the filing deadline for an extension will be handled on a case-by-case basis depending on the explanation contained in the request.

2. A company that misses the filing deadline and has not requested an extension shall be considered delinquent and appropriate actions may be pursued;

(C) Annual reports should be submitted electronically into the EFIS as a non-case related submission. Please refer to EFIS's Help section for assistance in determining the specific filing designation.

(D) A company shall separately submit an annual report for each certificate or registration held by the company; and

(E) A company may request confidential status for some or all of an annual report using the procedures described in the annual report instructions.

(3) Statement of Revenue Report. All IVoIP providers and companies certificated to provide telecommunications services, including payphone providers and shared tenant service providers, shall submit a statement of revenue. Statement of revenue requirements are listed below:

(A) All companies shall use the statement of revenue report form provided by the commission on the commission's website.



1. A Notary Public shall witness and sign the form;

(B) The deadline for submitting a completed statement of revenue report is March 31. The commission annually notifies companies of the form on which to submit a statement of revenue during the month of January;

(C) Companies are encouraged to submit statement of revenue forms electronically to the commission's EFIS as a non-case related submission; however, a company may also submit a statement of revenue form by mailing the report to the commission's Budget and Fiscal Services Department; PO Box 360, Jefferson City, MO 65102. If filing into EFIS please refer to EFIS's Help section for assistance in determining the specific filing designation; and

(D) The commission shall confidentially maintain statements of revenue as provided for in section 386.480, RSMo.

(4) Net Jurisdictional Revenue Report. A company certificated to provide telecommunications service or registered to provide IVoIP service shall submit a net jurisdictional revenue report to the Missouri universal service fund administrator. This report requires a company to identify its net jurisdictional revenue as that term is defined in this chapter. Listed below are clarifications about net jurisdictional revenue and the net jurisdictional report:

(A) Net jurisdictional revenue does not include revenue from wholesale services, payphone operations, taxes, or uncollectibles;

(B) IVoIP providers unable to distinguish between intrastate versus interstate jurisdictions may determine net jurisdictional revenue by applying a safe harbor percentage to total revenues. The applied safe harbor percentage must correspond to the FCC's safe harbor percentage. For example, if the FCC has established a safe harbor interstate percentage of sixty-four and nine-tenths percent (64.9%) then an IVoIP provider may apply a safe harbor intrastate percentage of thirty-five and one-tenth percent (35.1%);

(C) A company applying a bundled rate for a telecommunications or IVoIP service with a package of services that are not considered to be telecommunications or IVoIP services may report net jurisdictional revenue by applying either of the following two (2) methods:

1. Report revenue based on the unbundled service offering price for telecommunications or IVoIP service; or

2. Elect to report all bundled revenues as net jurisdictional revenue;

(D) Revenue associated with non-switched private line service should be considered net jurisdictional revenue; however, revenue

associated with special access service should not be considered net jurisdictional revenue. A company offering non-switched private line service to a customer may consider all of the customer's revenue to be within the interstate jurisdiction if ten percent (10%) or more of the customer's private line network traffic is considered to be interstate traffic;

(E) A company solely certificated to provide payphone service or shared tenant services is not required to submit a net jurisdictional revenue report; and

(F) Additional information regarding the net jurisdictional report is contained in commission rule 4 CSR 240-31.060(3).

(5) A telecommunications company shall support the commission in its role with the State Emergency Management Agency by reporting the status of the company's telecommunications services when requested.

(6) A telecommunications company shall maintain a disaster recovery plan and shall make such plan available to the commission's staff upon request. Each telecommunications company shall provide the manager of the commission's telecommunications unit updated commission contact information for emergency response or disaster recovery efforts.

(7) Bankruptcy Notification. A company shall notify the commission if the company has filed for bankruptcy. Bankruptcy notification requirements are listed below:

(A) The company's notice shall contain the following information:

1. Bankruptcy case number;
2. Bankruptcy filing date;
3. Bankruptcy chapter number; and
4. Bankruptcy court;

(B) In a subsequent filing with the commission the company shall submit a copy of the court's order resolving the bankruptcy;

(C) Notice shall be provided to the commission no later than thirty (30) days after filing for bankruptcy. The subsequent submission containing a copy of the court's order resolving the bankruptcy shall be submitted within thirty (30) days of the court's order;

(D) Bankruptcy notification filings shall be submitted electronically to EFIS as a non-case related submission. Please refer to EFIS's Help section for assistance in determining the specific filing designation; and

(E) Bankruptcy notices are classified as public documents in the commission's EFIS unless the company requests the notice remain confidential.

AUTHORITY: sections 386.040, 386.250, and 386.310, RSMo 2000, section 392.450,

RSMo Supp. 2013, and section 392.461, RSMo Supp. 2014. Original rule filed April 1, 2015, effective Dec. 30, 2015.*

**Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; 386.310, RSMo 1939, amended 1979, 1989, 1996; 392.450, RSMo 1987, amended 1996, 2008; and 392.461, RSMo 2011, amended 2013, 2014.*

4 CSR 240-28.050 Assessment Requirements

PURPOSE: This rule identifies assessment requirements for companies offering telecommunications service or IVoIP service in Missouri.

(1) Commission Assessment. Any company with a certificate of service authority to provide basic local exchange, non-switched local exchange, interexchange telecommunications services, including payphone providers and shared tenant service providers, or any company registered to provide IVoIP service shall be subject to the commission assessment. Requirements for the assessment are listed below:

(A) The assessment shall be based on a company's total Missouri jurisdictional operating revenue as that term is defined in this chapter;

(B) The commission's annual assessment is based on the commission's expenditures relating to an industry (gas, electric, telecommunications, etc.) in the preceding fiscal year and assessed on a company's gross intrastate operating revenue for the previous calendar year (as reported by a company in its statement of revenue) to make up the necessary contribution for that industry. The commission issues a report and order establishing the new assessment amount in June each year;

(C) Assessment notices are mailed to all companies subject to the jurisdiction of the commission by July 1. Payment is due by July 15; however, companies may elect to make payment in quarterly installments; and

(D) Any company failing to pay the assessment in a timely manner may be subject to penalties for failure to comply with a commission order or demand.

(2) Missouri Universal Service Fund Assessment. The Missouri Universal Service Fund assessment is applied to a company's net jurisdictional revenue as that term is defined in this chapter.

(A) Companies do not receive an invoice for the Missouri Universal Service Fund assessment.

(B) Delinquent payments are subject to late payment fees as determined by the Missouri Universal Service Fund Board and are posted



on the Missouri Universal Service Fund administrator's website.

(C) Any company failing to pay the assessment in a timely manner may be subject to penalties for failure to comply with a commission order or demand.

(D) Additional information regarding the Missouri Universal Service Fund assessment is contained in commission rule 4 CSR 240-31.060.

(3) Relay Missouri Assessment. Any company with a certificate of service authority to provide basic local exchange telecommunications service or company registered to provide IVoIP service shall be subject to this assessment.

(A) The Relay Missouri assessment applies to "access lines" as that term is defined in this chapter with the following additional clarifications:

1. The number of access lines associated with a high-capacity circuit will be determined on a voice-grade equivalent basis. For example, one (1) high-capacity circuit equipped with twenty-four (24) voice-grade channels should be considered twenty-four (24) access lines;

2. One (1) line connected to a private branch exchange should be considered as one (1) access line; and

3. The number of access lines associated with Centrex service to a subscriber's location should be the number of Centrex stations capable of being used simultaneously.

(B) The Relay Missouri assessment will not apply to more than one hundred (100) access lines per subscriber location.

(C) A company shall label the surcharge as the "Relay Missouri Surcharge."

(D) The Relay Missouri Surcharge is exempt from taxes.

(E) A company is allowed to retain a portion of the revenue collected as instructed by the commission. If the amount collected is equal to or less than a minimum flat dollar retention amount set by the commission, then the company may retain the amount collected from the surcharge. In such situations, the company will not be reimbursed for the difference between the surcharge revenue collected and the minimum retention amount. The net revenue collected from the surcharge shall be remitted to the commission no later than thirty (30) days after the last day of the calendar month. Specific payment instructions are posted on the commission's website at www.psc.mo.gov.

(F) Delinquent payments are subject to a late payment fee of one and five-tenths percent (1.5%) per month.

AUTHORITY: sections 386.040, 386.250, and 386.310, RSMo 2000, section 392.450, RSMo Supp. 2013, and section 392.461, RSMo Supp. 2014. Original rule filed April 1, 2015, effective Dec. 30, 2015.*

**Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; 386.310, RSMo 1939, amended 1979, 1989, 1996; 392.450, RSMo 1987, amended 1996, 2008; and 392.461, RSMo 2011, amended 2013, 2014.*

4 CSR 240-28.060 Service Requirements

PURPOSE: This rule describes service requirements applicable to companies that provide telecommunications or IVoIP services.

(1) Any company providing intrastate telecommunications service shall comply with the safety standards identified in 4 CSR 240-18.010.

(2) Any company certificated or registered with the commission has a duty to ensure calls are being completed. No company shall intentionally frustrate, delay, impede, or prevent the completion of any intrastate call.

(3) A telecommunications company may elect to remain subject to any or all of the following service quality rules by notification to the commission:

(A) Ensure basic local telecommunications service is installed in a timely manner. Unless otherwise agreed to by the commission, a company should monitor, on an exchange-specific basis, the percentage of initial service installation requests completed within five (5) working days. The company shall report on a quarterly basis the aggregate percentage of orders for basic local telecommunications service completed within five (5) working days; however, if an exchange has a result of less than eighty-five percent (85%) then the company shall identify the exchange, the exchange's result, and provide an explanation for the exchange's sub-par service and what is being done to improve service within the exchange;

(B) Ensure out-of-service conditions for basic local telecommunications service are restored in a timely manner. Unless otherwise agreed to by the commission, a company should monitor, on an exchange-specific basis, the percentage of out of service conditions cleared within twenty-four (24) hours. The company shall report on a quarterly basis the aggregate percentage of out-of-service conditions cleared within twenty-four (24) hours. If an exchange has a result of less than eighty-five percent (85%) then the company

shall identify the exchange, the exchange's result, and provide an explanation for the exchange's sub-par service and what is being done to improve service within the exchange;

(C) Ensure trouble incidents do not exceed six (6) trouble reports per one hundred (100) lines. Unless otherwise agreed to by the commission, a company should monitor the number of trouble incidents per one hundred (100) lines on an exchange-specific basis. Multiple trouble reports for the same access line can be tallied as one (1) trouble report. A trouble report is still counted if the company responds to a trouble report and test results simply indicate the line is "OK". Trouble reports may be excluded if the trouble is caused by faulty customer-provided equipment or inside wire. A company shall report on a quarterly basis the aggregate percentage of trouble reports per one hundred (100) access lines. If an exchange has a result of eight (8) or more trouble reports per one hundred (100) access lines then the company shall identify the exchange, the exchange's result, and provide an explanation for the exchange's sub-par service and what is being done to improve service within the exchange; and

(D) Shall submit quarterly reports to the commission's Electronic Filing and Information System (EFIS) as a non-case related submission within forty-five (45) days following the end of a quarter. A company's report shall be maintained on a confidential basis unless otherwise determined by the commission.

(4) A company that adheres to the standards set out in section (3) above and retains records of such testing and compliance, shall be presumed to provide safe and adequate service.

(5) Telecommunications companies shall comply with federal requirements associated with changes in preferred telecommunications service providers as identified in 47 CFR Part 64 Subpart K.

(6) The following procedure will be used if the commission staff contacts a telecommunications company in order to help resolve a customer's dispute:

(A) A telecommunications company shall acknowledge or respond to all commission staff inquiries related to denial or discontinuance of service issues within a reasonable period of time. A telecommunications company's initial response may be an estimated timeframe for a company's final response but shall not exceed thirty (30) days;

(B) If the matter remains unresolved after the company's final response, the commission staff shall advise the customer of his/her



right to file a formal complaint with the commission pursuant to commission rule 4 CSR 240-2.070(4), or to invoke binding arbitration, if available, under the service’s terms and conditions.

AUTHORITY: sections 386.040, 386.250, and 386.310, RSMo 2000, section 392.450, RSMo Supp. 2013, and section 392.461, RSMo Supp. 2014. Original rule filed April 1, 2015, effective Dec. 30, 2015.*

**Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; 386.310, RSMo 1939, amended 1979, 1989, 1996; 392.450, RSMo 1987, amended 1996, 2008; and 392.461, RSMo 2011, amended 2013, 2014.*

4 CSR 240-28.070 Tariffs

PURPOSE: This rule identifies tariff requirements applicable to telecommunications companies.

(1) A telecommunications company shall maintain a tariff for any commission-regulated wholesale service such as exchange access service.

(2) A tariff is discretionary for any telecommunications company offering telecommunications service to residential or business retail end user customers. If a company does not use a tariff to describe a company’s rates, terms, and conditions of service, the company shall maintain a publicly accessible website identifying retail prices for those services.

(3) All tariffs shall be electronically filed in Electronic Filing and Information System (EFIS). Tariff submissions shall be subject to the following requirements:

(A) A tariff submission to file a tariff or make changes to an existing tariff shall only be performed by an authorized company representative;

(B) A tariff submission shall comply with all EFIS tariff submission instructions. These instructions are located in EFIS under the “Help” section on the main menu; and

(C) All requested and required information shall be input into the fields provided.

(4) Tariffs shall comply with the following format requirements:

(A) Bear a number with the following prefix: PSC Mo. No. ___. Tariffs shall be numbered in consecutive order, starting with a No. 1 and continuing in numerical order. All sheets of the tariff shall have a sheet number in sequential number format;

(B) Each sheet of the tariff shall show in the top marginal space the name by which the

company was certificated by the commission and by which the company is registered with the Missouri secretary of state. The name, title, and address of the issuing officer or company-designated representative shall appear in the bottom marginal space of each sheet, along with the notation “effective, 20__.”; and

(C) All new tariffs or all new pages added to a tariff shall be designated as an original sheet. All changes to tariffs shall be submitted in the form of a revised tariff and must be designated as follows: “First revised sheet (page) canceling original sheet,” “Second revised sheet (page) canceling first revised sheet,” etc. and must contain reference marks denoting changes.

(5) If a company maintains a tariff and changes its name, then a company shall comply with 4 CSR 240-28.030(9)(D).

(6) A telecommunications company that detariffs or partially detariffs shall submit a letter addressed to the commission’s secretary and signed by an authorized company representative. The letter should be electronically filed in EFIS using the “Revised Current Tariff” submission option. The letter shall address the following:

(A) The company’s intent to detariff;

(B) The effective date for detariffing;

(C) The tariff or tariff pages to be withdrawn; and

(D) The website containing service descriptions and rate information. If this website subsequently changes then the company shall submit another letter into EFIS using the “Revised Current Tariff” submission option notifying the commission of the revised website.

AUTHORITY: sections 386.040, 386.250, and 386.310, RSMo 2000, section 392.450, RSMo Supp. 2013, and section 392.461, RSMo Supp. 2014. Original rule filed April 1, 2015, effective Dec. 30, 2015.*

**Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; 386.310, RSMo 1939, amended 1979, 1989, 1996; 392.450, RSMo 1987, amended 1996, 2008; and 392.461, RSMo 2011, amended 2013, 2014.*

4 CSR 240-28.080 Interconnection Agreements

PURPOSE: This rule identifies requirements and procedures for applications for new interconnection agreements, the adoption of previously approved interconnection agreements, and amending interconnection agreements.

(1) An application for approval of an interconnection agreement or amendment to an interconnection agreement that has not previously been approved shall be submitted and signed by an attorney licensed to practice law in Missouri. The application shall be electronically filed as a new case submission in Electronic Filing and Information System (EFIS).

(A) The application shall include the following:

1. The legal names of the applicants;
2. The type of organization of the applicant (Missouri corporation, foreign corporation, partnership, proprietorship, other);
3. Applicant’s mailing address, electronic mail address, fax number, and telephone number; and
4. A statement that no annual report or assessment fees are overdue.

(B) The interconnection agreement shall—

1. Have all pages of the agreement sequentially numbered; and
2. Be signed by both parties to the agreement.

(2) An adoption of an approved interconnection agreement and any amendment that has been previously approved by the commission can be requested by either company by submitting a letter to the secretary of the commission. Approved interconnection agreements whose original term has expired, but which remain in effect pursuant to term renewal or extension provisions, will be subject to adoption for as long as the interconnection agreement remains subject to the renewal or extension provision. Any adoption is subject to objection pursuant to subsection (2)(D). The adoption will be effective on the date allowed by the commission in its order approving the adoption.

(A) The letter shall include:

1. The case number in which the adopted agreement was previously approved by the commission;
2. The tracking number or case number of any amendments the parties will adopt; and
3. A copy of the signature page signed by both parties to the adoption.

(B) If both parties have signed the signature page to the adoption the request shall be electronically filed in EFIS. Upon receipt of an adoption request signed by both parties, the commission shall open a new file and issue notice of the filing of the request. Thereafter, the commission shall expeditiously approve or reject the adoption.

(C) If both parties have not signed the signature page to the adoption, the adopting company shall file an application with the



commission. The application shall be electronically filed as a new case submission in EFIS. The application shall be submitted and signed by an attorney licensed to practice law in Missouri and shall contain the following:

1. The legal name of the applicant;
2. The type of organization of the applicant (Missouri corporation, foreign corporation, partnership, proprietorship, other);
3. Applicant's mailing address, electronic mail address, fax number, and telephone number;
4. A statement that no annual report or assessment fees are overdue; and
5. An explanation of the applicant's inability to obtain the other party's signature on the adoption.

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

(3) Termination of Interconnection Agreements—The incumbent local exchange telecommunications company that is a party to any interconnection agreement that is terminated shall notify the secretary of the commission of its termination by filing a letter in the case in which the agreement was approved.

AUTHORITY: sections 386.040, 386.250, and 386.310, RSMo 2000, section 392.450, RSMo Supp. 2013, and section 392.461, RSMo Supp. 2014. Original rule filed April 1, 2015, effective Dec. 30, 2015.*

**Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; 386.310, RSMo 1939, amended 1979, 1989, 1996; 392.450, RSMo 1987, amended 1996, 2008; and 392.461, RSMo 2011, amended 2013, 2014.*

4 CSR 240-28.090 211 Service

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

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

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

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

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

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

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

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

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

1. The location of the principal place of business and the names of the principal executive officers of the applicant;
2. A statement the applicant is legally, financially, and technically qualified to provide the service;
3. A statement listing the exchanges to be served;
4. A statement the applicant is ready, willing, able, and will comply with all commission rules and policies;
5. A statement the applicant will be responsible for all costs of provisioning the service; and
6. A statement the applicant is accredited by the Alliance of Information and Referral Systems.

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

prior to the expiration of the provider's authorization.

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

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

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

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

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

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

AUTHORITY: sections 386.040, 386.250, and 386.310, RSMo 2000, section 392.450, RSMo Supp. 2013, and section 392.461, RSMo Supp. 2014. Original rule filed April 1, 2015, effective Dec. 30, 2015.*

**Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; 386.310, RSMo 1939, amended 1979, 1989, 1996; 392.450, RSMo 1987, amended 1996, 2008; and 392.461, RSMo 2011, amended 2013, 2014.*