

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order or rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.040, 386.250, and 392.470, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-3.570 Requirements for Carrier Designation as Eligible Telecommunications Carriers is **rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 16, 2013 (38 MoReg 1461). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 16, 2013, and the commission held a public hearing on the proposed rescission on October 21, 2013. The commission received timely written comments from the staff of the Missouri Public Service Commission; the Missouri Cable Telecommunications Association (MCTA); Southwestern Bell Telephone Company, d/b/a AT&T Missouri; CenturyTel of Missouri, LLC d/b/a CenturyLink, Embarq Missouri, Inc., d/b/a CenturyLink, Spectra Communications Group, LLC d/b/a CenturyLink, and CenturyTel of Northwest Arkansas, d/b/a CenturyLink (collectively CenturyLink); Cricket Communications,

Inc.; and the Small Telephone Company Group and the Missouri Independent Telephone Company Group (collectively STCG). In addition, the following people offered comments at the hearing: Christina Baker, representing the Office of the Public Counsel; Barbara Meisenheimer, on behalf of the Office of the Public Counsel; Stephanie Bell, representing MCTA; Ken Woods, on behalf of MCTA; Bob Gryzmala, representing AT&T Missouri; Becky Kilpatrick, representing CenturyLink; Bill Steinmeier, representing Cricket; Brian McCartney, representing STCG; Colleen Dale, representing the staff of the Missouri Public Service Commission; and Natelle Dietrich, on behalf of the staff.

The commission considered this particular rule in conjunction with fourteen (14) other rules affecting telecommunications and the Missouri Universal Service Fund. Not all persons offering comments addressed this particular rule.

COMMENT #1: The commission's staff indicated it has attempted to review all commission rules relating to ETCs and the MoUSF. Most of those rules have not been revised since they were created in 1998. Aside from the need to update the rules, revisions are necessary to bring the state rules in line with recent changes to the federal USF and Lifeline programs. Staff proposed these rulemakings to accomplish five (5) objectives:

1. Consolidate within one (1) chapter of the Missouri rules all requirements pertaining to Eligible Telecommunications Carriers (ETCs) and the Missouri Universal Service Fund (MoUSF);
2. Rescind high-cost support rules;
3. Clarify and codify existing MoUSF Board responsibilities and procedures;
4. Update and clarify Lifeline program requirements; and
5. Update and clarify ETC requirements.

Staff said there are approximately seventy (70) landline and wireless companies in Missouri with ETC status. Companies with ETC status may receive USF funding for participation in the high-cost program or the Lifeline program, or both. The federal USF high-cost program provides financial support to an ETC for the provisioning of voice or broadband service, or both, to high-cost areas. The MoUSF does not currently offer high-cost support. The federal Lifeline program provides similar support to companies for the provision of discounted voice service to qualifying low-income customers. The MoUSF provides financial support to landline phone providers for service to qualifying low-income and disabled customers.

State commissions are responsible under federal law for determining which telecommunications companies may be designated as an ETC in their states. In addition, the state commissions are responsible for an annual certification process to allow ETCs to continue to receive high-cost support.

Federal high-cost programs and the Lifeline program have recently been subject to intense criticism and the Federal Communications Commission (FCC) has implemented significant reforms in those programs. The state commissions also have authority to impose additional state-specific requirements on ETCs to ensure compliance with state Lifeline programs so long as those additional requirements do not conflict with federal requirements.

RESPONSE: The commission thanks its staff for its general comments. The commission will address staff's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #2: The MCTA generally supports the commission's efforts to revise these rules. In particular, it supports the proposed deletion of rules relating to the high-cost component of the MoUSF in recognition of the fact that no such support is currently authorized and is unlikely to be authorized in the future. The MCTA also offered comments about specific provisions of the rules.

RESPONSE: The commission thanks the MCTA for its general comments and will address its comments about specific rule provisions in

the appropriate rulemaking.

COMMENT #3: AT&T Missouri is critical of many aspects of the proposed rule changes. As part of a large company operating in many states, AT&T Missouri wants to see Missouri's rules closely adhere to federal standards imposed by the FCC. AT&T Missouri is concerned that additional state requirements would unnecessarily impose additional regulatory burdens.

AT&T Missouri also explains that recent federal regulatory efforts in this area have been focused on the Connect America Fund (CAF) which is aimed at providing high-cost universal service support for increasing broadband availability in areas lacking a private sector business case for broadband deployment. AT&T Missouri warns against erecting state regulatory barriers to the acceptance of CAF funds to provide service to Missouri customers.

AT&T offered numerous comments about specific provisions of the rules.

RESPONSE: The commission thanks AT&T Missouri for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently. The commission will address AT&T Missouri's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #4: CenturyLink generally urges the commission to retain its current rules regarding potential high-cost support from the MoUSF as such support is still authorized by Missouri statute, even though no such program has been established. Furthermore, CenturyLink asks the commission to ensure that the standards imposed by its rules are aligned with and not in excess of those imposed by the FCC. CenturyLink also offered comments about specific provisions of the rules.

RESPONSE: The commission thanks CenturyLink for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address CenturyLink's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #5: Cricket is primarily concerned about the use of electronic forms to collect applications from customers and offers specific comments in that regard.

RESPONSE: The commission thanks Cricket for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #6: STCG represents Missouri's small, mostly rural incumbent telephone companies. STCG would like the commission to consider creation of a state high-cost USF fund. For that reason it asks the commission to retain a portion of the rules relating to such a fund. STCG also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks STCG for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #7: Public Counsel reminds the commission that it has a statutory obligation to preserve and advance universal service in this state. To that end, Public Counsel urges the commission to protect elements of such service, such as interexchange service, access to directory assistance, and access to operator services, rather than merely seeking to align Missouri rules with those offered by the FCC. Public Counsel also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks Public Counsel for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory

process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address Public Counsel's specific comments in the appropriate rulemaking.

COMMENT #8: Staff explains that it asks to rescind this particular rule provision to consolidate all relevant rule provisions within Chapter 31. The provisions of this Chapter 3 rule are being redistributed to several rules within Chapter 31.

RESPONSE: The commission thanks staff for that explanation. No other comments were offered about this rule and the commission will proceed with the rescission.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 31—Universal Service**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 392.200.2, RSMo Supp. 2013, and sections 392.248 and 392.470.1, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-31.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2013 (38 MoReg 1461-1463). Those sections with changes have been reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 16, 2013, and the commission held a public hearing on the proposed amendment on October 21, 2013. The commission received timely written comments from the staff of the Missouri Public Service Commission; the Missouri Cable Telecommunications Association (MCTA); Southwestern Bell Telephone Company, d/b/a AT&T Missouri; CenturyTel of Missouri, LLC d/b/a CenturyLink, Embarq Missouri, Inc., d/b/a CenturyLink, Spectra Communications Group, LLC d/b/a CenturyLink, and CenturyTel of Northwest Arkansas, d/b/a CenturyLink (collectively CenturyLink); Cricket Communications, Inc.; and the Small Telephone Company Group and the Missouri Independent Telephone Company Group (collectively STCG). In addition, the following people offered comments at the hearing: Christina Baker, representing the Office of the Public Counsel; Barbara Meisenheimer, on behalf of the Office of the Public Counsel; Stephanie Bell, representing MCTA; Ken Woods, on behalf of MCTA; Bob Gryzmala, representing AT&T Missouri; Becky Kilpatrick, representing CenturyLink; Bill Steinmeier, representing Cricket; Brian McCartney, representing STCG; Colleen Dale, representing the staff of the Missouri Public Service Commission; and Natelle Dietrich, on behalf of the staff.

The commission considered this particular rule in conjunction with fourteen (14) other rules affecting telecommunications and the Missouri Universal Service Fund. Not all persons offering comments addressed this particular rule.

COMMENT #1: The commission's staff indicated it has attempted to review all commission rules relating to ETCs and the MoUSF. Most of those rules have not been revised since they were created in 1998. Aside from the need to update the rules, revisions are necessary to bring the state rules in line with recent changes to the federal USF and Lifeline programs. Staff proposed these rulemakings to accomplish five (5) objectives:

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2. Rescind high-cost support rules;
3. Clarify and codify existing MoUSF Board responsibilities and procedures;
4. Update and clarify Lifeline program requirements; and
5. Update and clarify ETC requirements.

Staff said there are approximately seventy (70) landline and wireless companies in Missouri with ETC status. Companies with ETC status may receive USF funding for participation in the high-cost program or the Lifeline program, or both. The federal USF high-cost program provides financial support to an ETC for the provisioning of voice or broadband service, or both, to high-cost areas. The MoUSF does not currently offer high-cost support. The federal Lifeline program provides similar support to companies for the provision of discounted voice service to qualifying low-income customers. The MoUSF provides financial support to landline phone providers for service to qualifying low-income and disabled customers.

State commissions are responsible under federal law for determining which telecommunications companies may be designated as an ETC in their states. In addition, the state commissions are responsible for an annual certification process to allow ETCs to continue to receive high-cost support.

Federal high-cost programs and the Lifeline program have recently been subject to intense criticism and the Federal Communications Commission (FCC) has implemented significant reforms in those programs. The state commissions also have authority to impose additional state-specific requirements on ETCs to ensure compliance with state Lifeline programs so long as those additional requirements do not conflict with federal requirements.

RESPONSE: The commission thanks its staff for its general comments. The commission will address staff's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #2: The MCTA generally supports the commission's efforts to revise these rules. In particular, it supports the proposed deletion of rules relating to the high-cost component of the MoUSF in recognition of the fact that no such support is currently authorized and is unlikely to be authorized in the future. The MCTA also offered comments about specific provisions of the rules.

RESPONSE: The commission thanks the MCTA for its general comments and will address its comments about specific rule provisions in the appropriate rulemaking.

COMMENT #3: AT&T Missouri is critical of many aspects of the proposed rule changes. As part of a large company operating in many states, AT&T Missouri wants to see Missouri's rules closely adhere to federal standards imposed by the FCC. AT&T Missouri is concerned that additional state requirements would unnecessarily impose additional regulatory burdens.

AT&T Missouri also explains that recent federal regulatory efforts in this area have been focused on the Connect America Fund (CAF) which is aimed at providing high-cost universal service support for increasing broadband availability in areas lacking a private sector business case for broadband deployment. AT&T Missouri warns against erecting state regulatory barriers to the acceptance of CAF funds to provide service to Missouri customers.

AT&T offered numerous comments about specific provisions of the rules.

RESPONSE: The commission thanks AT&T Missouri for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently. The commission will address AT&T Missouri's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #4: CenturyLink generally urges the commission to

retain its current rules regarding potential high-cost support from the MoUSF as such support is still authorized by Missouri statute, even though no such program has been established. Furthermore, CenturyLink asks the commission to ensure that the standards imposed by its rules are aligned with and not in excess of those imposed by the FCC. CenturyLink also offered comments about specific provisions of the rules.

RESPONSE: The commission thanks CenturyLink for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address CenturyLink's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #5: Cricket is primarily concerned about the use of electronic forms to collect applications from customers and offers specific comments in that regard.

RESPONSE: The commission thanks Cricket for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #6: STCG represents Missouri's small, mostly rural incumbent telephone companies. STCG would like the commission to consider creation of a state high-cost USF fund. For that reason it asks the commission to retain a portion of the rules relating to such a fund. STCG also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks STCG for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #7: STCG suggests a change to the definition of Eligible Telecommunications Carrier (ETC) found in section (5) of the proposed rule 4 CSR 240-31.010 as published in the *Missouri Register*. As part of its suggestion that the commission retain general "high-cost" language as part of this rule 4 CSR 240-31.010, STCG recommends the commission incorporate mention of the high-cost program into this definition. Staff replied that it wants to rescind the substantive provisions of the rule that relate to the "high-cost" program because no such program currently exists and if such a program were to be implemented the existing regulations are obsolete and would need to be replaced. However, staff indicated it does not object to STCG's proposal to retain "high-cost" in the definitional type sections of the regulations while deleting the obsolete substantive regulations that would govern a high-cost program if one is ever implemented.

RESPONSE AND EXPLANATION OF CHANGE: The commission will incorporate the revised language proposed by STCG for this definition.

COMMENT #8: Section (6) as it exists in the current rule 4 CSR 240-31.010 offers a definition of essential local telecommunications services that lists eight (8) services as essential services. The amendment as published in the *Missouri Register* replaces those eight (8) listed essential services with a reference declaring that essential local telecommunications services is synonymous with "voice telephony service" as defined in section (18) of this rule. The definition of "voice telephony service", which is also a new provision in the amended rule, matches the definition used by the FCC for federal purposes.

Public Counsel is concerned that the changed definition would eliminate access to basic local operator services, access to basic local directory assistance, equal access to interexchange carriers and, for landline service, one (1) standard white pages directory listing, as essential local telecommunications services.

Public Counsel contends the commission has a statutory obligation to preserve and advance universal service in Missouri. Public

Counsel believes the proponents of eliminating access to essential local services from the definition for purposes of eligibility for MoUSF funding should be required to demonstrate that elimination of the services is consistent with Missouri's universal service goals instead of simply eliminating them in pursuit of uniformity or convenience for telecommunications providers.

Staff explains that the changed definition would alter the services an ETC must provide in order to draw support from the MoUSF. The amendment as published in the *Missouri Register* would incorporate the standards for essential telecommunications services as established by the FCC. Staff believes it is important to match the federal definition so as not to put basic local telecommunications providers at a competitive disadvantage against wireless service providers who are subject only to the federal definition. Furthermore, the existing definition is outdated and uses terminology solely applicable to traditional landline carriers.

Staff further explains that changing the definition would not necessarily mean that providers would stop providing the services about which Public Counsel is concerned. Other provisions in the commission's rules require existing and new ETCs to keep the commission informed about whether they provide those services, which will allow the commission to monitor the continued provision of those services.

RESPONSE: The commission agrees with staff that it is important to keep its definitions consistent with federal definitions when it is appropriate to do so. The commission will not change the definition of essential local telecommunications services beyond the amendment as published in the *Missouri Register*.

COMMENT #9: Staff asks the commission to further revise the definition of Federal Universal Service Fund, found in section (8) of 4 CSR 240-31.010. Staff explains that the proposed definition as published in the *Missouri Register* fails to reference the high-cost program. Staff would add such a reference to the definition. AT&T Missouri agrees the definition should be changed to reference the Lifeline program and proposes slightly different language that specifically refers to the administration of the program by the FCC. The STCG also proposes a revised definition that incorporates a reference to the high-cost program. Staff supports its proposed definition rather than that proposed by AT&T because the reference to administration by the FCC would ignore this commission's role in administering the fund.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with staff that AT&T Missouri's proposed definition would ignore the commission's role in administering the fund. The definition proposed by STCG is less succinct than that proposed by staff. The commission will adopt staff's revised language for the definition of Federal Universal Service Fund.

COMMENT #10: AT&T Missouri suggests a change in the definition of "Lifeline Service" found in section (13) of this rule. It contends the proposed definition does not adequately convey all the elements of the service and proposes that the commission's rule instead simply reference the section of the federal rule that defines "Lifeline Service." If that is done, the commission's definition would always track the federal definition if it is later changed. In the alternative, AT&T Missouri would include the wording of the federal rule as the definition for the commission's rule, recognizing that the commission rule might then have to be changed if the FCC later revises its rule. Staff did not respond to AT&T Missouri's suggestion.

RESPONSE AND EXPLANATION OF CHANGE: The commission accepts and will incorporate the language proposed by AT&T Missouri.

COMMENT #11: STCG proposes a change to the definition of MoUSF found in section (14) of this rule as published in the *Missouri Register*. The amendment as published would remove a reference to the high-cost program since no such program has ever been imple-

mented as part of the MoUSF. STCG asks that the high-cost program remain in the definition in case the commission later decides to implement such a program. Staff replies that it wants to rescind the substantive provisions of the rule that relate to the "high-cost" program because no such program currently exists and if such a program were to be implemented the existing regulations are obsolete and would need to be replaced. However, staff indicated it does not object to STCG's proposal to retain "high-cost" in the definitional type sections of the regulations while deleting the obsolete substantive regulations that would govern a high-cost program if one (1) is ever implemented.

RESPONSE AND EXPLANATION OF CHANGE: The commission will retain the reference to the "high-cost" program in the definition.

COMMENT #12: MCTA and AT&T recommend a modification of the definition of "net jurisdictional revenue" in section (17) of this rule. Both are concerned about the definition of wholesale revenue which all agree is to be excluded from the definition of net jurisdictional revenue. AT&T proposes language that would clarify the first part of the definition enough to eliminate the need to define wholesale revenue in the second part of the definition. Staff did not respond to the suggestions of either MCTA or AT&T.

RESPONSE AND EXPLANATION OF CHANGE: The language proposed by AT&T is simpler while still effectively defining net jurisdictional revenue. The commission will adopt that language.

COMMENT #13: MCTA points out that newly proposed section (18) of this rule refers to the term "toll limitation" service, but does not define that term. MCTA also advises the commission to not delete the definitions of "toll blocking" and "toll control" from the current regulation. MCTA recommends the commission adopt a definition of toll limitation that is consistent with the definition established by the FCC. Staff agrees with MCTA's suggestions.

RESPONSE AND EXPLANATION OF CHANGE: The commission accepts MCTA's suggestion. The definition of "toll blocking" and "toll control" will not be removed from the rule. However, they will be renumbered as sections (18) and (19). The commission will also adopt the definition of "toll limitation service" proposed by MCTA and will number it as section (20). That also means the definition of "voice telephony service" will be renumbered as section (21) and the definition of "wireless service" will be renumbered as section (22) of 4 CSR 240-31.010.

4 CSR 240-31.010 Definitions

(5) Eligible telecommunications carrier (ETC)—Is a carrier designated as such by the Missouri Public Service Commission pursuant to 47 U.S.C 214(e) and 47 CFR Part 54 Subpart C. ETC designation allows a carrier to receive FUSF support from the high-cost and/or Lifeline programs and Missouri-approved telecommunications carriers to receive MoUSF support from the high-cost, Lifeline, or Disabled programs.

(8) Federal Universal Service Fund (FUSF)—The federal fund that provides funding to companies for the high-cost program and the Lifeline program.

(13) Lifeline Service—Means a non-transferable retail service offering for which qualifying low-income consumers pay reduced charges as a result of application of the Lifeline support amount described in 47 CFR 54.403; and that provides qualifying low-income consumers with voice telephony service as specified in 47 CFR 54.101(a). Toll limitation service does not distinguish between toll and non-toll calls in the pricing of the service. If an eligible telecommunications carrier charges Lifeline subscribers a fee for toll calls that is in addition to the per month or per billing cycle price of the subscribers' Lifeline

service, the carrier must offer toll limitation service at no charge to its subscribers as part of its Lifeline service offering.

(14) MoUSF—Refers to the Missouri Universal Service Fund, which was established by section 392.248, RSMo 2000 to be used for the following purposes:

(A) To ensure the provision of reasonably comparable essential local telecommunications service, as defined in this rule, throughout the state, including high cost areas, at just, reasonable, and affordable rates;

(B) To assist low-income customers and disabled customers in obtaining affordable essential telecommunications services; and

(C) To pay the reasonable, audited costs of administering the MoUSF.

(17) Net jurisdictional revenue—Net jurisdictional revenue means all retail revenues received from end-user customers resulting from the provision of intrastate regulated and IVoIP services, but shall not include revenue from payphone operations, taxes, and uncollectibles.

(18) Toll blocking—Toll blocking is a service provided by carriers that lets customers elect not to allow the completion of outgoing toll calls from their telecommunications channel.

(19) Toll control—Toll control is a service provided by carriers that allows customers to specify a certain amount of toll usage that may be incurred on their telecommunications channel per month or per billing cycle.

(20) Toll limitation—“Toll limitation service” denotes either toll blocking service or toll control service for eligible telecommunications carriers that are incapable of providing both services. For eligible telecommunications carriers that are capable of providing both services, “toll limitation” service denotes both toll blocking service and toll control service.

(21) Voice telephony service—Refers to voice grade access to the public switched network or its functional equivalent; minutes of use for local service provided at no additional charge to end users; access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, to the extent the local government in an eligible carrier’s service area has implemented 911 or enhanced 911 systems; and toll limitation services to qualifying Lifeline consumers. Toll limitation service does not need to be offered for any Lifeline service that does not distinguish between toll and non-toll calls in the pricing of the service.

(22) Wireless service—Refers to commercial mobile radio service as identified in 47 CFR Parts 20 and 24.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 31—Universal Service**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 392.200.2, RSMo Supp. 2013, and sections 392.248 and 392.470.1, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-31.020 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2013 (38 MoReg 1463-1464). Those sections with changes have been reprinted here. This proposed amendment becomes effective

thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 16, 2013, and the commission held a public hearing on the proposed amendment on October 21, 2013. The commission received timely written comments from the staff of the Missouri Public Service Commission; the Missouri Cable Telecommunications Association (MCTA); Southwestern Bell Telephone Company, d/b/a AT&T Missouri; CenturyTel of Missouri, LLC d/b/a CenturyLink, Embarq Missouri, Inc., d/b/a CenturyLink, Spectra Communications Group, LLC d/b/a CenturyLink, and CenturyTel of Northwest Arkansas, d/b/a CenturyLink (collectively CenturyLink); Cricket Communications, Inc.; and the Small Telephone Company Group and the Missouri Independent Telephone Company Group (collectively STCG). In addition, the following people offered comments at the hearing: Christina Baker, representing the Office of the Public Counsel; Barbara Meisenheimer, on behalf of the Office of the Public Counsel; Stephanie Bell, representing MCTA; Ken Woods, on behalf of MCTA; Bob Gryzmala, representing AT&T Missouri; Becky Kilpatrick, representing CenturyLink; Bill Steinmeier, representing Cricket; Brian McCartney, representing STCG; Colleen Dale, representing the staff of the Missouri Public Service Commission; and Natelle Dietrich, on behalf of the staff.

The commission considered this particular rule in conjunction with fourteen (14) other rules affecting telecommunications and the Missouri Universal Service Fund. Not all persons offering comments addressed this particular rule.

COMMENT #1: The commission’s staff indicated it has attempted to review all commission rules relating to ETCs and the MoUSF. Most of those rules have not been revised since they were created in 1998. Aside from the need to update the rules, revisions are necessary to bring the state rules in line with recent changes to the federal USF and Lifeline programs. Staff proposed these rulemakings to accomplish five (5) objectives:

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RESPONSE: The commission thanks its staff for its general comments. The commission will address staff’s comments about specific

rule provisions in the appropriate rulemaking.

COMMENT #2: The MCTA generally supports the commission's efforts to revise these rules. In particular, it supports the proposed deletion of rules relating to the high-cost component of the MoUSF in recognition of the fact that no such support is currently authorized and is unlikely to be authorized in the future. The MCTA also offered comments about specific provisions of the rules.

RESPONSE: The commission thanks the MCTA for its general comments and will address its comments about specific rule provisions in the appropriate rulemaking.

COMMENT #3: AT&T Missouri is critical of many aspects of the proposed rule changes. As part of a large company operating in many states, AT&T Missouri wants to see Missouri's rules closely adhere to federal standards imposed by the FCC. AT&T Missouri is concerned that additional state requirements would unnecessarily impose additional regulatory burdens.

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AT&T offered numerous comments about specific provisions of the rules.

RESPONSE: The commission thanks AT&T Missouri for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently. The commission will address AT&T Missouri's comments about specific rule provisions in the appropriate rulemaking.

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RESPONSE: The commission thanks CenturyLink for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address CenturyLink's comments about specific rule provisions in the appropriate rulemaking.

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RESPONSE: The commission thanks STCG for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #7: Public Counsel reminds the commission that it has

a statutory obligation to preserve and advance universal service in this state. To that end, Public Counsel urges the commission to protect elements of such service, such as interexchange service, access to directory assistance, and access to operator services, rather than merely seeking to align Missouri rules with those offered by the FCC. Public Counsel also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks Public Counsel for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address Public Counsel's specific comments in the appropriate rulemaking.

COMMENT #8: Sections (5) and (6) of this rule would require the board to follow procedures established by the Office of Administration in completing a competitive bid process in obtaining certain services. Public Counsel is concerned that the board may not always be required to follow the procedures established by the Office of Administration and should not reduce its flexibility by establishing a rule requiring such procedures. The commission's staff responded to Public Counsel's concerns by indicating the mandatory "shall" should be changed to a permissive "may" to preserve the board's flexibility in obtaining needed services.

RESPONSE AND EXPLANATION OF CHANGE: The commission will modify sections (5) and (6) of this rule in the manner suggested by Public Counsel and staff.

COMMENT #9: New section (9) of this rule, as published in the *Missouri Register*, allows the Missouri Universal Service Board to establish a form for ETCs to use to enroll end-users in the Lifeline or Disabled programs. The regulation also requires all ETCs to use the form established by the board.

Staff believes that the second part of that section more appropriately fits in a subsequent rule, 4 CSR 240-31.120, and proposes to move it there. No commenter objected to moving that language.

Several commenters argue that the board should not require the ETCs to use the form it establishes. AT&T Missouri contends that rather than mandate use of a specific form, the board should allow ETCs to design their own forms that comply with FCC rules relating to such forms. That would allow companies that operate in multiple states to use a single form for each state and for state and federal purposes. CenturyLink and the STCG echo AT&T Missouri's contention that the rule should allow ETCs the flexibility to design and use their own forms, so long as those forms comply with FCC requirements. CenturyLink also offers suggestions on revisions to the current generic form.

Public Counsel supports the requirement to use a mandated form, contending that having a single form would be more efficient and would allow social service agencies and customers to become more familiar with the forms needed to obtain the service.

Finally, there is an error in the section. The word "center" should be replaced with "carrier" in referring to an ETC.

RESPONSE AND EXPLANATION OF CHANGE: The commission will delete those portions of the definition that staff proposed to move to 4 CSR 240-31.120, as that portion of the rule is no longer needed because the commission is not mandating the use of a standard form. The commission will replace "center" with "carrier."

The commission agrees with the commenters, it is appropriate to allow ETCs the flexibility to design and use forms of their own choosing, so long as those forms comply with FCC and commission requirements. The commission will adopt the alternative language slightly modified from that proposed by AT&T Missouri.

4 CSR 240-31.020 Organization, Powers, and Meetings of the Board

(5) The board shall adopt procedures, including a competitive bid process, to retain an independent neutral MoUSFA, who shall be responsible for the day-to-day operations of the MoUSF. Rather than adopt its own procedures, the board may follow the procedures established by the Office of Administration in completing a competitive bid process. The board shall also adopt procedures to provide, among other things, for the periodic review of the MoUSFA and the opportunity to re-bid the contract for the MoUSFA no less frequently than every five (5) years. The board may establish other procedures as needed to facilitate the orderly administration of the MoUSF.

(6) The board may establish procedures, or may follow the procedures established by the Office of Administration, in completing a competitive bid process to retain the services of an accounting firm to audit the MoUSF on an annual basis, to complete the board's state and federal tax filings, and to perform other accounting duties it may require. The board may choose more than one (1) such firm to perform the duties under the contract, assigning different tasks to each accounting firm. The board shall also adopt procedures to periodically review the work of the accounting firm(s) and to re-bid the contract(s) no less frequently than every five (5) years.

(9) The board may establish a form for Eligible Telecommunications Carriers (ETCs) to use to enroll end-users in the Lifeline or Disabled programs and shall post a generic acceptable form on its website. All ETCs shall use the form established by the board or a form that complies with 47 CFR 54.410(d), and commission requirements as described in 4 CSR 240-31.120(5).

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 31—Universal Service**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 392.200.2, RSMo Supp. 2013, and sections 392.248 and 392.470.1, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-31.030 The MoUSFA is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2013 (38 MoReg 1464-1465). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 16, 2013, and the commission held a public hearing on the proposed amendment on October 21, 2013. The commission received timely written comments from the staff of the Missouri Public Service Commission; the Missouri Cable Telecommunications Association (MCTA); Southwestern Bell Telephone Company, d/b/a AT&T Missouri; CenturyTel of Missouri, LLC d/b/a CenturyLink, Embarq Missouri, Inc., d/b/a CenturyLink, Spectra Communications Group, LLC d/b/a CenturyLink, and CenturyTel of Northwest Arkansas, d/b/a CenturyLink (collectively CenturyLink); Cricket Communications, Inc.; and the Small Telephone Company Group and the Missouri Independent Telephone Company Group (collectively STCG). In addition, the following people offered comments at the hearing: Christina Baker, representing the Office of the Public Counsel; Barbara Meisenheimer, on behalf of the Office of the Public Counsel; Stephanie Bell, representing MCTA; Ken Woods, on behalf of MCTA; Bob Gryzmala, representing AT&T Missouri; Becky Kilpatrick, repre-

senting CenturyLink; Bill Steinmeier, representing Cricket; Brian McCartney, representing STCG; Colleen Dale, representing the staff of the Missouri Public Service Commission; and Natelle Dietrich, on behalf of the staff.

The commission considered this particular rule in conjunction with fourteen (14) other rules affecting telecommunications and the Missouri Universal Service Fund. Not all persons offering comments addressed this particular rule.

COMMENT #1: The commission's staff indicated it has attempted to review all commission rules relating to ETCs and the MoUSF. Most of those rules have not been revised since they were created in 1998. Aside from the need to update the rules, revisions are necessary to bring the state rules in line with recent changes to the federal USF and Lifeline programs. Staff proposed these rulemakings to accomplish five (5) objectives:

1. Consolidate within one (1) chapter of the Missouri rules all requirements pertaining to Eligible Telecommunications Carriers (ETCs) and the Missouri Universal Service Fund (MoUSF);
2. Rescind high-cost support rules;
3. Clarify and codify existing MoUSF Board responsibilities and procedures;
4. Update and clarify Lifeline program requirements; and
5. Update and clarify ETC requirements.

Staff said there are approximately seventy (70) landline and wireless companies in Missouri with ETC status. Companies with ETC status may receive USF funding for participation in the high-cost program or the Lifeline program, or both. The federal USF high-cost program provides financial support to an ETC for the provisioning of voice or broadband service, or both, to high-cost areas. The MoUSF does not currently offer high-cost support. The federal Lifeline program provides similar support to companies for the provision of discounted voice service to qualifying low-income customers. The MoUSF provides financial support to landline phone providers for service to qualifying low-income and disabled customers.

State commissions are responsible under federal law for determining which telecommunications companies may be designated as an ETC in their states. In addition, the state commissions are responsible for an annual certification process to allow ETCs to continue to receive high-cost support.

Federal high-cost programs and the Lifeline program have recently been subject to intense criticism and the Federal Communications Commission (FCC) has implemented significant reforms in those programs. The state commissions also have authority to impose additional state-specific requirements on ETCs to ensure compliance with state Lifeline programs so long as those additional requirements do not conflict with federal requirements.

RESPONSE: The commission thanks its staff for its general comments. The commission will address staff's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #2: The MCTA generally supports the commission's efforts to revise these rules. In particular, it supports the proposed deletion of rules relating to the high-cost component of the MoUSF in recognition of the fact that no such support is currently authorized and is unlikely to be authorized in the future. The MCTA also offered comments about specific provisions of the rules.

RESPONSE: The commission thanks the MCTA for its general comments and will address its comments about specific rule provisions in the appropriate rulemaking.

COMMENT #3: AT&T Missouri is critical of many aspects of the proposed rule changes. As part of a large company operating in many states, AT&T Missouri wants to see Missouri's rules closely adhere to federal standards imposed by the FCC. AT&T Missouri is concerned that additional state requirements would unnecessarily impose additional regulatory burdens.

AT&T Missouri also explains that recent federal regulatory efforts

in this area have been focused on the Connect America Fund (CAF) which is aimed at providing high-cost universal service support for increasing broadband availability in areas lacking a private sector business case for broadband deployment. AT&T Missouri warns against erecting state regulatory barriers to the acceptance of CAF funds to provide service to Missouri customers.

AT&T offered numerous comments about specific provisions of the rules.

RESPONSE: The commission thanks AT&T Missouri for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently. The commission will address AT&T Missouri's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #4: CenturyLink generally urges the commission to retain its current rules regarding potential high-cost support from the MoUSF as such support is still authorized by Missouri statute, even though no such program has been established. Furthermore, CenturyLink asks the commission to ensure that the standards imposed by its rules are aligned with and not in excess of those imposed by the FCC. CenturyLink also offered comments about specific provisions of the rules.

RESPONSE: The commission thanks CenturyLink for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address CenturyLink's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #5: Cricket is primarily concerned about the use of electronic forms to collect applications from customers and offers specific comments in that regard.

RESPONSE: The commission thanks Cricket for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #6: STCG represents Missouri's small, mostly rural incumbent telephone companies. STCG would like the commission to consider creation of a state high-cost USF fund. For that reason it asks the commission to retain a portion of the rules relating to such a fund. STCG also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks STCG for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #7: Public Counsel reminds the commission that it has a statutory obligation to preserve and advance universal service in this state. To that end, Public Counsel urges the commission to protect elements of such service, such as interexchange service, access to directory assistance, and access to operator services, rather than merely seeking to align Missouri rules with those offered by the FCC. Public Counsel also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks Public Counsel for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address Public Counsel's specific comments in the appropriate rulemaking.

COMMENT #8: The commission's staff indicated the proposed amendment of this rule merely makes minor revisions and codifies existing practices. No other commenter addresses the particulars of this rule.

RESPONSE: The commission will not make any changes in the amendment as published in the *Missouri Register*.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 31—Universal Service**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.040, 386.250, and 392.470, RSMo 2000, the commission withdraws a proposed rescission as follows:

**4 CSR 240-31.040 Eligibility for Funding—High Cost Areas
is withdrawn.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 16, 2013 (38 MoReg 1465). This proposed rescission is withdrawn.

SUMMARY OF COMMENTS: The public comment period ended October 16, 2013, and the commission held a public hearing on the proposed rescission on October 21, 2013. The commission received timely written comments from the staff of the Missouri Public Service Commission; the Missouri Cable Telecommunications Association (MCTA); Southwestern Bell Telephone Company, d/b/a AT&T Missouri; CenturyTel of Missouri, LLC d/b/a CenturyLink, Embarq Missouri, Inc., d/b/a CenturyLink, Spectra Communications Group, LLC d/b/a CenturyLink, and CenturyTel of Northwest Arkansas, d/b/a CenturyLink (collectively CenturyLink); Cricket Communications, Inc.; and the Small Telephone Company Group and the Missouri Independent Telephone Company Group (collectively STCG). In addition, the following people offered comments at the hearing: Christina Baker, representing the Office of the Public Counsel; Barbara Meisenheimer, on behalf of the Office of the Public Counsel; Stephanie Bell, representing MCTA; Ken Woods, on behalf of MCTA; Bob Gryzmala, representing AT&T Missouri; Becky Kilpatrick, representing CenturyLink; Bill Steinmeier, representing Cricket; Brian McCartney, representing STCG; Colleen Dale, representing the staff of the Missouri Public Service Commission; and Natelle Dietrich, on behalf of the staff.

The commission considered this particular rule in conjunction with fourteen (14) other rules affecting telecommunications and the Missouri Universal Service Fund. Not all persons offering comments addressed this particular rule.

COMMENT #1: The commission's staff indicated it has attempted to review all commission rules relating to ETCs and the MoUSF. Most of those rules have not been revised since they were created in 1998. Aside from the need to update the rules, revisions are necessary to bring the state rules in line with recent changes to the federal USF and Lifeline programs. Staff proposed these rulemakings to accomplish five (5) objectives:

1. Consolidate within one (1) chapter of the Missouri rules all requirements pertaining to Eligible Telecommunications Carriers (ETCs) and the Missouri Universal Service Fund (MoUSF);
2. Rescind high-cost support rules;
3. Clarify and codify existing MoUSF Board responsibilities and procedures;
4. Update and clarify Lifeline program requirements; and
5. Update and clarify ETC requirements.

Staff said there are approximately seventy (70) landline and wireless companies in Missouri with ETC status. Companies with ETC status may receive USF funding for participation in the high-cost program or the Lifeline program, or both. The federal USF high-cost

program provides financial support to an ETC for the provisioning of voice or broadband service, or both, to high-cost areas. The MoUSF does not currently offer high-cost support. The federal Lifeline program provides similar support to companies for the provision of discounted voice service to qualifying low-income customers. The MoUSF provides financial support to landline phone providers for service to qualifying low-income and disabled customers.

State commissions are responsible under federal law for determining which telecommunications companies may be designated as an ETC in their states. In addition, the state commissions are responsible for an annual certification process to allow ETCs to continue to receive high-cost support.

Federal high-cost programs and the Lifeline program have recently been subject to intense criticism and the Federal Communications Commission (FCC) has implemented significant reforms in those programs. The state commissions also have authority to impose additional state-specific requirements on ETCs to ensure compliance with state Lifeline programs so long as those additional requirements do not conflict with federal requirements.

RESPONSE: The commission thanks its staff for its general comments. The commission will address staff's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #2: The MCTA generally supports the commission's efforts to revise these rules. In particular, it supports the proposed deletion of rules relating to the high-cost component of the MoUSF in recognition of the fact that no such support is currently authorized and is unlikely to be authorized in the future. The MCTA also offered comments about specific provisions of the rules.

RESPONSE: The commission thanks the MCTA for its general comments and will address its comments about specific rule provisions in the appropriate rulemaking.

COMMENT #3: AT&T Missouri is critical of many aspects of the proposed rule changes. As part of a large company operating in many states, AT&T Missouri wants to see Missouri's rules closely adhere to federal standards imposed by the FCC. AT&T Missouri is concerned that additional state requirements would unnecessarily impose additional regulatory burdens.

AT&T Missouri also explains that recent federal regulatory efforts in this area have been focused on the Connect America Fund (CAF) which is aimed at providing high-cost universal service support for increasing broadband availability in areas lacking a private sector business case for broadband deployment. AT&T Missouri warns against erecting state regulatory barriers to the acceptance of CAF funds to provide service to Missouri customers.

AT&T offered numerous comments about specific provisions of the rules.

RESPONSE: The commission thanks AT&T Missouri for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently. The commission will address AT&T Missouri's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #4: CenturyLink generally urges the commission to retain its current rules regarding potential high-cost support from the MoUSF as such support is still authorized by Missouri statute, even though no such program has been established. Furthermore, CenturyLink asks the commission to ensure that the standards imposed by its rules are aligned with and not in excess of those imposed by the FCC. CenturyLink also offered comments about specific provisions of the rules.

RESPONSE: The commission thanks CenturyLink for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address CenturyLink's comments about specific rule provisions

in the appropriate rulemaking.

COMMENT #5: Cricket is primarily concerned about the use of electronic forms to collect applications from customers and offers specific comments in that regard.

RESPONSE: The commission thanks Cricket for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #6: STCG represents Missouri's small, mostly rural incumbent telephone companies. STCG would like the commission to consider creation of a state high-cost USF fund. For that reason it asks the commission to retain a portion of the rules relating to such a fund. STCG also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks STCG for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #7: Public Counsel reminds the commission that it has a statutory obligation to preserve and advance universal service in this state. To that end, Public Counsel urges the commission to protect elements of such service, such as interexchange service, access to directory assistance, and access to operator services, rather than merely seeking to align Missouri rules with those offered by the FCC. Public Counsel also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks Public Counsel for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address Public Counsel's specific comments in the appropriate rulemaking.

COMMENT #8: Staff explains that this rule establishes specific procedures for determining eligibility for an ETC to receive high-cost funding from the Missouri Universal Service Fund (MoUSF). The MoUSF has never provided high-cost funding and has no plans to do so in the immediate future. Staff also indicates the requirements of this rule are badly outdated and would have to be entirely rewritten if the MoUSF were to decide to provide high-cost funding in the future. Therefore, staff advises the commission to rescind this rule.

CenturyTel and STCG ask the commission to leave open the possibility of providing high-cost funding in the future. STCG acknowledges that these particular rules are out of date and suggests the commission keep references to high-cost funding in 4 CSR 240-31.010, while rescinding this particular rule that is no longer useful. CenturyTel agrees that the particular rule will need to be revised, but suggests that the existing rule remain in place while that review is undertaken.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with CenturyTel. The commission will open a working case to consider whether high-cost funding from the MoUSF should be established. This rule should remain in place while that working case proceeds. For that reason, the commission will withdraw its proposed rescission of this rule.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 31—Universal Service**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.040, 386.250, 392.210, 392.248, 392.451, and 392.470, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-31.050 Eligibility for Funding—Low-Income Customers and Disabled Customers is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 16, 2013 (38 MoReg 1465–1466). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 16, 2013, and the commission held a public hearing on the proposed rescission on October 21, 2013. The commission received timely written comments from the staff of the Missouri Public Service Commission; the Missouri Cable Telecommunications Association (MCTA); Southwestern Bell Telephone Company, d/b/a AT&T Missouri; CenturyTel of Missouri, LLC d/b/a CenturyLink, Embarq Missouri, Inc., d/b/a CenturyLink, Spectra Communications Group, LLC d/b/a CenturyLink, and CenturyTel of Northwest Arkansas, d/b/a CenturyLink (collectively CenturyLink); Cricket Communications, Inc.; and the Small Telephone Company Group and the Missouri Independent Telephone Company Group (collectively STCG). In addition, the following people offered comments at the hearing: Christina Baker, representing the Office of the Public Counsel; Barbara Meisenheimer, on behalf of the Office of the Public Counsel; Stephanie Bell, representing MCTA; Ken Woods, on behalf of MCTA; Bob Gryzmala, representing AT&T Missouri; Becky Kilpatrick, representing CenturyLink; Bill Steinmeier, representing Cricket; Brian McCartney, representing STCG; Colleen Dale, representing the staff of the Missouri Public Service Commission; and Natelle Dietrich, on behalf of the staff.

The commission considered this particular rule in conjunction with fourteen (14) other rules affecting telecommunications and the Missouri Universal Service Fund. Not all persons offering comments addressed this particular rule.

COMMENT #1: The commission's staff indicated it has attempted to review all commission rules relating to ETCs and the MoUSF. Most of those rules have not been revised since they were created in 1998. Aside from the need to update the rules, revisions are necessary to bring the state rules in line with recent changes to the federal USF and Lifeline programs. Staff proposed these rulemakings to accomplish five (5) objectives:

1. Consolidate within one (1) chapter of the Missouri rules all requirements pertaining to Eligible Telecommunications Carriers (ETCs) and the Missouri Universal Service Fund (MoUSF);
2. Rescind high-cost support rules;
3. Clarify and codify existing MoUSF Board responsibilities and procedures;
4. Update and clarify Lifeline program requirements; and
5. Update and clarify ETC requirements.

Staff said there are approximately seventy (70) landline and wireless companies in Missouri with ETC status. Companies with ETC status may receive USF funding for participation in the high-cost program or the Lifeline program, or both. The federal USF high-cost program provides financial support to an ETC for the provisioning of voice or broadband service, or both, to high-cost areas. The MoUSF does not currently offer high-cost support. The federal Lifeline program provides similar support to companies for the provision of discounted voice service to qualifying low-income customers. The MoUSF provides financial support to landline phone providers for service to qualifying low-income and disabled customers.

State commissions are responsible under federal law for determining which telecommunications companies may be designated as an ETC in their states. In addition, the state commissions are responsible for an annual certification process to allow ETCs to continue to receive high-cost support.

Federal high-cost programs and the Lifeline program have recent-

ly been subject to intense criticism and the Federal Communications Commission (FCC) has implemented significant reforms in those programs. The state commissions also have authority to impose additional state-specific requirements on ETCs to ensure compliance with state Lifeline programs so long as those additional requirements do not conflict with federal requirements.

RESPONSE: The commission thanks its staff for its general comments. The commission will address staff's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #2: The MCTA generally supports the commission's efforts to revise these rules. In particular, it supports the proposed deletion of rules relating to the high-cost component of the MoUSF in recognition of the fact that no such support is currently authorized and is unlikely to be authorized in the future. The MCTA also offered comments about specific provisions of the rules.

RESPONSE: The commission thanks the MCTA for its general comments and will address its comments about specific rule provisions in the appropriate rulemaking.

COMMENT #3: AT&T Missouri is critical of many aspects of the proposed rule changes. As part of a large company operating in many states, AT&T Missouri wants to see Missouri's rules closely adhere to federal standards imposed by the FCC. AT&T Missouri is concerned that additional state requirements would unnecessarily impose additional regulatory burdens.

AT&T Missouri also explains that recent federal regulatory efforts in this area have been focused on the Connect America Fund (CAF) which is aimed at providing high-cost universal service support for increasing broadband availability in areas lacking a private sector business case for broadband deployment. AT&T Missouri warns against erecting state regulatory barriers to the acceptance of CAF funds to provide service to Missouri customers.

AT&T offered numerous comments about specific provisions of the rules.

RESPONSE: The commission thanks AT&T Missouri for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently. The commission will address AT&T Missouri's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #4: CenturyLink generally urges the commission to retain its current rules regarding potential high-cost support from the MoUSF as such support is still authorized by Missouri statute, even though no such program has been established. Furthermore, CenturyLink asks the commission to ensure that the standards imposed by its rules are aligned with and not in excess of those imposed by the FCC. CenturyLink also offered comments about specific provisions of the rules.

RESPONSE: The commission thanks CenturyLink for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address CenturyLink's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #5: Cricket is primarily concerned about the use of electronic forms to collect applications from customers and offers specific comments in that regard.

RESPONSE: The commission thanks Cricket for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #6: STCG represents Missouri's small, mostly rural incumbent telephone companies. STCG would like the commission to consider creation of a state high-cost USF fund. For that reason it

asks the commission to retain a portion of the rules relating to such a fund. STCG also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks STCG for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #7: Public Counsel reminds the commission that it has a statutory obligation to preserve and advance universal service in this state. To that end, Public Counsel urges the commission to protect elements of such service, such as interexchange service, access to directory assistance, and access to operator services, rather than merely seeking to align Missouri rules with those offered by the FCC. Public Counsel also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks Public Counsel for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address Public Counsel's specific comments in the appropriate rulemaking.

COMMENT #8: Staff explains that the provisions of this rule have been updated and consolidated in 4 CSR 240-31.120. As a result, this rule is no longer needed and can be rescinded. No other commenter addressed the rescission of this rule.

RESPONSE: The commission will proceed with the rescission.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 31—Universal Service**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 392.200, RSMo Supp. 2013, and sections 392.248 and 392.470.1, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-31.060 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2013 (38 MoReg 1466-1467). Those sections with changes have been reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 16, 2013, and the commission held a public hearing on the proposed amendment on October 21, 2013. The commission received timely written comments from the staff of the Missouri Public Service Commission; the Missouri Cable Telecommunications Association (MCTA); Southwestern Bell Telephone Company, d/b/a AT&T Missouri; CenturyTel of Missouri, LLC d/b/a CenturyLink, Embarq Missouri, Inc., d/b/a CenturyLink, Spectra Communications Group, LLC d/b/a CenturyLink, and CenturyTel of Northwest Arkansas, d/b/a CenturyLink (collectively CenturyLink); Cricket Communications, Inc.; and the Small Telephone Company Group and the Missouri Independent Telephone Company Group (collectively STCG). In addition, the following people offered comments at the hearing: Christina Baker, representing the Office of the Public Counsel; Barbara Meisenheimer, on behalf of the Office of the Public Counsel; Stephanie Bell, representing MCTA; Ken Woods, on behalf of MCTA; Bob Gryzmala, representing AT&T Missouri; Becky Kilpatrick, representing CenturyLink; Bill Steinmeier, representing Cricket; Brian McCartney, representing STCG; Colleen Dale, representing the staff

of the Missouri Public Service Commission; and Natelle Dietrich, on behalf of the staff.

The commission considered this particular rule in conjunction with fourteen (14) other rules affecting telecommunications and the Missouri Universal Service Fund. Not all persons offering comments addressed this particular rule.

COMMENT #1: The commission's staff indicated it has attempted to review all commission rules relating to ETCs and the MoUSF. Most of those rules have not been revised since they were created in 1998. Aside from the need to update the rules, revisions are necessary to bring the state rules in line with recent changes to the federal USF and Lifeline programs. Staff proposed these rulemakings to accomplish five (5) objectives:

1. Consolidate within one (1) chapter of the Missouri rules all requirements pertaining to Eligible Telecommunications Carriers (ETCs) and the Missouri Universal Service Fund (MoUSF);
2. Rescind high-cost support rules;
3. Clarify and codify existing MoUSF Board responsibilities and procedures;
4. Update and clarify Lifeline program requirements; and
5. Update and clarify ETC requirements.

Staff said there are approximately seventy (70) landline and wireless companies in Missouri with ETC status. Companies with ETC status may receive USF funding for participation in the high-cost program or the Lifeline program, or both. The federal USF high-cost program provides financial support to an ETC for the provisioning of voice or broadband service, or both, to high-cost areas. The MoUSF does not currently offer high-cost support. The federal Lifeline program provides similar support to companies for the provision of discounted voice service to qualifying low-income customers. The MoUSF provides financial support to landline phone providers for service to qualifying low-income and disabled customers.

State commissions are responsible under federal law for determining which telecommunications companies may be designated as an ETC in their states. In addition, the state commissions are responsible for an annual certification process to allow ETCs to continue to receive high-cost support.

Federal high-cost programs and the Lifeline program have recently been subject to intense criticism and the Federal Communications Commission (FCC) has implemented significant reforms in those programs. The state commissions also have authority to impose additional state-specific requirements on ETCs to ensure compliance with state Lifeline programs so long as those additional requirements do not conflict with federal requirements.

RESPONSE: The commission thanks its staff for its general comments. The commission will address staff's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #2: The MCTA generally supports the commission's efforts to revise these rules. In particular, it supports the proposed deletion of rules relating to the high-cost component of the MoUSF in recognition of the fact that no such support is currently authorized and is unlikely to be authorized in the future. The MCTA also offered comments about specific provisions of the rules.

RESPONSE: The commission thanks the MCTA for its general comments and will address its comments about specific rule provisions in the appropriate rulemaking.

COMMENT #3: AT&T Missouri is critical of many aspects of the proposed rule changes. As part of a large company operating in many states, AT&T Missouri wants to see Missouri's rules closely adhere to federal standards imposed by the FCC. AT&T Missouri is concerned that additional state requirements would unnecessarily impose additional regulatory burdens.

AT&T Missouri also explains that recent federal regulatory efforts in this area have been focused on the Connect America Fund (CAF) which is aimed at providing high-cost universal service support for

increasing broadband availability in areas lacking a private sector business case for broadband deployment. AT&T Missouri warns against erecting state regulatory barriers to the acceptance of CAF funds to provide service to Missouri customers.

AT&T offered numerous comments about specific provisions of the rules.

RESPONSE: The commission thanks AT&T Missouri for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently. The commission will address AT&T Missouri's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #4: CenturyLink generally urges the commission to retain its current rules regarding potential high-cost support from the MoUSF as such support is still authorized by Missouri statute, even though no such program has been established. Furthermore, CenturyLink asks the commission to ensure that the standards imposed by its rules are aligned with and not in excess of those imposed by the FCC. CenturyLink also offered comments about specific provisions of the rules.

RESPONSE: The commission thanks CenturyLink for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address CenturyLink's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #5: Cricket is primarily concerned about the use of electronic forms to collect applications from customers and offers specific comments in that regard.

RESPONSE: The commission thanks Cricket for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #6: STCG represents Missouri's small, mostly rural incumbent telephone companies. STCG would like the commission to consider creation of a state high-cost USF fund. For that reason it asks the commission to retain a portion of the rules relating to such a fund. STCG also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks STCG for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #7: Public Counsel reminds the commission that it has a statutory obligation to preserve and advance universal service in this state. To that end, Public Counsel urges the commission to protect elements of such service, such as interexchange service, access to directory assistance, and access to operator services, rather than merely seeking to align Missouri rules with those offered by the FCC. Public Counsel also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks Public Counsel for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address Public Counsel's specific comments in the appropriate rulemaking.

COMMENT #8: Subsection (3)(A) as published in the *Missouri Register* requires "certificated" telecommunication companies to certify their revenue for purposes of determining the amount of their MoUSF assessment. AT&T Missouri suggests the word "certificated" be removed from that requirement because AT&T Missouri operates under a state charter rather than a certificate and should not be

excluded from paying a MoUSF assessment.

RESPONSE AND EXPLANATION OF CHANGE: The commission will remove the word "certificated" from subsection (3)(A).

COMMENT #9: Subsection (4)(A) as published in the *Missouri Register* requires carriers subject to a MoUSF assessment to place a surcharge on their customer's bill to collect that surcharge. Staff proposes to add a sentence to that subsection to allow a company with *de minimis* revenues to begin assessing the surcharge sixty (60) days after it meets a twenty-four thousand dollar (\$24,000) net jurisdictional threshold. No other commenter addressed staff's proposed change.

MCTA comments that both subsection (4)(A) and (4)(D) require a carrier to recover its MoUSF assessment from its customers by collecting a surcharge. MCTA contends the carriers should be allowed the discretion to recover its assessment by some other means if it chooses to do so. Staff replied to MCTA's suggestion indicating that it does not object to making recovery through a surcharge optional. However, staff does object to the language proposed by MCTA that would allow the carrier to recover the assessment through a line item identified only as a "state regulatory fee or charge." Staff is concerned that an inexact description in the customer's bill can be used to obscure the source of other charges imposed on the customer.

RESPONSE AND EXPLANATION OF CHANGE: The commission will add the sentence about *de minimis* revenues proposed by staff. MCTA's proposal to make collection of the MoUSF assessment by a surcharge optional will allow these competitive companies the flexibility to collect that assessment from their customers in whatever way they choose. That is reasonable and the commission will make that change. However, staff's concerns about proper description of the surcharge is also important. The commission will modify the language proposed by MCTA to ensure that the surcharge is properly described.

COMMENT #10: MCTA suggests that subsection (5)(B) be modified to retain the language in the current rule that allows for quarterly remittances to the fund administrator as an option to monthly remittances. MCTA also proposes grammatical changes in paragraphs (5)(A)1. and 2.

RESPONSE AND EXPLANATION OF CHANGE: The grammatical changes suggested by MCTA are appropriate and will be adopted. However, the concern about quarterly remittances is puzzling. The current rule and the amendment as published in the *Missouri Register* already allow for quarterly remittances. Further, the language proposed by MCTA is exactly the same as the amended language published in the *Missouri Register*. As a result, no other change in the published amendment is necessary.

4 CSR 240-31.060 The MoUSF Assessment

(3) Assessment Level.

(A) In February each year, the MoUSFA shall issue a form on which each registered IVoIP provider and telecommunications company shall certify the company's Missouri net jurisdictional revenues for the prior calendar year.

(4) Collection of MoUSF Assessment from Customers. If an assessable carrier chooses to recover its MoUSF assessment through a line item on a retail end-user customers' bill, then—

(A) The surcharge shall equal the percentage assessment ordered by the commission;

(B) The surcharge shall be detailed as Missouri Universal Service Fund;

(C) The surcharge percentage shall be applied to each customer's total charges associated with the carrier's net jurisdictional revenues; and

(D) A company with *de minimis* revenues may begin assessing the surcharge within sixty (60) days of meeting the twenty-four thousand

dollar (\$24,000) net jurisdictional revenue threshold.

(5) Remitting MoUSF Assessments.

(A) All assessable carriers shall remit in either of the following methods:

1. A carrier may remit all funds received as a result of the application of the surcharge as provided in (4) above, in full satisfaction of the carrier's annual percentage assessment; or

2. 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 shall be given if a carrier subsequently finds it remitted more than it collected.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 31—Universal Service**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 392.200, 392.248, and 392.470, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-31.065 Collection of MoUSF Surcharge from End-User Subscribers is **rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 16, 2013 (38 MoReg 1467-1468). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 16, 2013, and the commission held a public hearing on the proposed rescission on October 21, 2013. The commission received timely written comments from the staff of the Missouri Public Service Commission; the Missouri Cable Telecommunications Association (MCTA); Southwestern Bell Telephone Company, d/b/a AT&T Missouri; CenturyTel of Missouri, LLC d/b/a CenturyLink, Embarq Missouri, Inc., d/b/a CenturyLink, Spectra Communications Group, LLC d/b/a CenturyLink, and CenturyTel of Northwest Arkansas, d/b/a CenturyLink (collectively CenturyLink); Cricket Communications, Inc.; and the Small Telephone Company Group and the Missouri Independent Telephone Company Group (collectively STCG). In addition, the following people offered comments at the hearing: Christina Baker, representing the Office of the Public Counsel; Barbara Meisenheimer, on behalf of the Office of the Public Counsel; Stephanie Bell, representing MCTA; Ken Woods, on behalf of MCTA; Bob Gryzmala, representing AT&T Missouri; Becky Kilpatrick, representing CenturyLink; Bill Steinmeier, representing Cricket; Brian McCartney, representing STCG; Colleen Dale, representing the staff of the Missouri Public Service Commission; and Natelle Dietrich, on behalf of the staff.

The commission considered this particular rule in conjunction with fourteen (14) other rules affecting telecommunications and the Missouri Universal Service Fund. Not all persons offering comments addressed this particular rule.

COMMENT #1: The commission's staff indicated it has attempted to review all commission rules relating to ETCs and the MoUSF. Most of those rules have not been revised since they were created in 1998. Aside from the need to update the rules, revisions are necessary to bring the state rules in line with recent changes to the federal USF and Lifeline programs. Staff proposed these rulemakings to accomplish five (5) objectives:

1. Consolidate within one (1) chapter of the Missouri rules all requirements pertaining to Eligible Telecommunications Carriers (ETCs) and the Missouri Universal Service Fund (MoUSF);
2. Rescind high-cost support rules;
3. Clarify and codify existing MoUSF Board responsibilities and procedures;
4. Update and clarify Lifeline program requirements; and
5. Update and clarify ETC requirements.

Staff said there are approximately seventy (70) landline and wireless companies in Missouri with ETC status. Companies with ETC status may receive USF funding for participation in the high-cost program or the Lifeline program, or both. The federal USF high-cost program provides financial support to an ETC for the provisioning of voice or broadband service, or both, to high-cost areas. The MoUSF does not currently offer high-cost support. The federal Lifeline program provides similar support to companies for the provision of discounted voice service to qualifying low-income customers. The MoUSF provides financial support to landline phone providers for service to qualifying low-income and disabled customers.

State commissions are responsible under federal law for determining which telecommunications companies may be designated as an ETC in their states. In addition, the state commissions are responsible for an annual certification process to allow ETCs to continue to receive high-cost support.

Federal high-cost programs and the Lifeline program have recently been subject to intense criticism and the Federal Communications Commission (FCC) has implemented significant reforms in those programs. The state commissions also have authority to impose additional state-specific requirements on ETCs to ensure compliance with state Lifeline programs so long as those additional requirements do not conflict with federal requirements.

RESPONSE: The commission thanks its staff for its general comments. The commission will address staff's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #2: The MCTA generally supports the commission's efforts to revise these rules. In particular, it supports the proposed deletion of rules relating to the high-cost component of the MoUSF in recognition of the fact that no such support is currently authorized and is unlikely to be authorized in the future. The MCTA also offered comments about specific provisions of the rules.

RESPONSE: The commission thanks the MCTA for its general comments and will address its comments about specific rule provisions in the appropriate rulemaking.

COMMENT #3: AT&T Missouri is critical of many aspects of the proposed rule changes. As part of a large company operating in many states, AT&T Missouri wants to see Missouri's rules closely adhere to federal standards imposed by the FCC. AT&T Missouri is concerned that additional state requirements would unnecessarily impose additional regulatory burdens.

AT&T Missouri also explains that recent federal regulatory efforts in this area have been focused on the Connect America Fund (CAF) which is aimed at providing high-cost universal service support for increasing broadband availability in areas lacking a private sector business case for broadband deployment. AT&T Missouri warns against erecting state regulatory barriers to the acceptance of CAF funds to provide service to Missouri customers.

AT&T offered numerous comments about specific provisions of the rules.

RESPONSE: The commission thanks AT&T Missouri for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently. The commission will address AT&T Missouri's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #4: CenturyLink generally urges the commission to

retain its current rules regarding potential high-cost support from the MoUSF as such support is still authorized by Missouri statute, even though no such program has been established. Furthermore, CenturyLink asks the commission to ensure that the standards imposed by its rules are aligned with and not in excess of those imposed by the FCC. CenturyLink also offered comments about specific provisions of the rules.

RESPONSE: The commission thanks CenturyLink for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address CenturyLink's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #5: Cricket is primarily concerned about the use of electronic forms to collect applications from customers and offers specific comments in that regard.

RESPONSE: The commission thanks Cricket for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #6: STCG represents Missouri's small, mostly rural incumbent telephone companies. STCG would like the commission to consider creation of a state high-cost USF fund. For that reason it asks the commission to retain a portion of the rules relating to such a fund. STCG also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks STCG for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #7: Public Counsel reminds the commission that it has a statutory obligation to preserve and advance universal service in this state. To that end, Public Counsel urges the commission to protect elements of such service, such as interexchange service, access to directory assistance, and access to operator services, rather than merely seeking to align Missouri rules with those offered by the FCC. Public Counsel also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks Public Counsel for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address Public Counsel's specific comments in the appropriate rulemaking.

COMMENT #8: Staff explains that the provisions of this rule have been updated and consolidated in 4 CSR 240-31.060. As a result, this rule is no longer needed and can be rescinded. No other commenter addressed the rescission of this rule.

RESPONSE: The commission will proceed with the rescission.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 31—Universal Service**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 392.200, 392.248, and 392.470, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-31.070 Receipt of MoUSF Funds is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 16, 2013 (38 MoReg 1468). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 16, 2013, and the commission held a public hearing on the proposed rescission on October 21, 2013. The commission received timely written comments from the staff of the Missouri Public Service Commission; the Missouri Cable Telecommunications Association (MCTA); Southwestern Bell Telephone Company, d/b/a AT&T Missouri; CenturyTel of Missouri, LLC d/b/a CenturyLink, Embarq Missouri, Inc., d/b/a CenturyLink, Spectra Communications Group, LLC d/b/a CenturyLink, and CenturyTel of Northwest Arkansas, d/b/a CenturyLink (collectively CenturyLink); Cricket Communications, Inc.; and the Small Telephone Company Group and the Missouri Independent Telephone Company Group (collectively STCG). In addition, the following people offered comments at the hearing: Christina Baker, representing the Office of the Public Counsel; Barbara Meisenheimer, on behalf of the Office of the Public Counsel; Stephanie Bell, representing MCTA; Ken Woods, on behalf of MCTA; Bob Gryzmala, representing AT&T Missouri; Becky Kilpatrick, representing CenturyLink; Bill Steinmeier, representing Cricket; Brian McCartney, representing STCG; Colleen Dale, representing the staff of the Missouri Public Service Commission; and Natelle Dietrich, on behalf of the staff.

The commission considered this particular rule in conjunction with fourteen (14) other rules affecting telecommunications and the Missouri Universal Service Fund. Not all persons offering comments addressed this particular rule.

COMMENT #1: The commission's staff indicated it has attempted to review all commission rules relating to ETCs and the MoUSF. Most of those rules have not been revised since they were created in 1998. Aside from the need to update the rules, revisions are necessary to bring the state rules in line with recent changes to the federal USF and Lifeline programs. Staff proposed these rulemakings to accomplish five (5) objectives:

1. Consolidate within one (1) chapter of the Missouri rules all requirements pertaining to Eligible Telecommunications Carriers (ETCs) and the Missouri Universal Service Fund (MoUSF);
2. Rescind high-cost support rules;
3. Clarify and codify existing MoUSF Board responsibilities and procedures;
4. Update and clarify Lifeline program requirements; and
5. Update and clarify ETC requirements.

Staff said there are approximately seventy (70) landline and wireless companies in Missouri with ETC status. Companies with ETC status may receive USF funding for participation in the high-cost program or the Lifeline program, or both. The federal USF high-cost program provides financial support to an ETC for the provisioning of voice or broadband service, or both, to high-cost areas. The MoUSF does not currently offer high-cost support. The federal Lifeline program provides similar support to companies for the provision of discounted voice service to qualifying low-income customers. The MoUSF provides financial support to landline phone providers for service to qualifying low-income and disabled customers.

State commissions are responsible under federal law for determining which telecommunications companies may be designated as an ETC in their states. In addition, the state commissions are responsible for an annual certification process to allow ETCs to continue to receive high-cost support.

Federal high-cost programs and the Lifeline program have recently been subject to intense criticism and the Federal Communications Commission (FCC) has implemented significant reforms in those programs. The state commissions also have authority to impose

additional state-specific requirements on ETCs to ensure compliance with state Lifeline programs so long as those additional requirements do not conflict with federal requirements.

RESPONSE: The commission thanks its staff for its general comments. The commission will address staff's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #2: The MCTA generally supports the commission's efforts to revise these rules. In particular, it supports the proposed deletion of rules relating to the high-cost component of the MoUSF in recognition of the fact that no such support is currently authorized and is unlikely to be authorized in the future. The MCTA also offered comments about specific provisions of the rules.

RESPONSE: The commission thanks the MCTA for its general comments and will address its comments about specific rule provisions in the appropriate rulemaking.

COMMENT #3: AT&T Missouri is critical of many aspects of the proposed rule changes. As part of a large company operating in many states, AT&T Missouri wants to see Missouri's rules closely adhere to federal standards imposed by the FCC. AT&T Missouri is concerned that additional state requirements would unnecessarily impose additional regulatory burdens.

AT&T Missouri also explains that recent federal regulatory efforts in this area have been focused on the Connect America Fund (CAF) which is aimed at providing high-cost universal service support for increasing broadband availability in areas lacking a private sector business case for broadband deployment. AT&T Missouri warns against erecting state regulatory barriers to the acceptance of CAF funds to provide service to Missouri customers.

AT&T offered numerous comments about specific provisions of the rules.

RESPONSE: The commission thanks AT&T Missouri for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently. The commission will address AT&T Missouri's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #4: CenturyLink generally urges the commission to retain its current rules regarding potential high-cost support from the MoUSF as such support is still authorized by Missouri statute, even though no such program has been established. Furthermore, CenturyLink asks the commission to ensure that the standards imposed by its rules are aligned with and not in excess of those imposed by the FCC. CenturyLink also offered comments about specific provisions of the rules.

RESPONSE: The commission thanks CenturyLink for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address CenturyLink's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #5: Cricket is primarily concerned about the use of electronic forms to collect applications from customers and offers specific comments in that regard.

RESPONSE: The commission thanks Cricket for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #6: STCG represents Missouri's small, mostly rural incumbent telephone companies. STCG would like the commission to consider creation of a state high-cost USF fund. For that reason it asks the commission to retain a portion of the rules relating to such a fund. STCG also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks STCG for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #7: Public Counsel reminds the commission that it has a statutory obligation to preserve and advance universal service in this state. To that end, Public Counsel urges the commission to protect elements of such service, such as interexchange service, access to directory assistance, and access to operator services, rather than merely seeking to align Missouri rules with those offered by the FCC. Public Counsel also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks Public Counsel for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address Public Counsel's specific comments in the appropriate rulemaking.

COMMENT #8: Staff explains that the provisions of this rule have been updated and consolidated in 4 CSR 240-31.060. As a result, this rule is no longer needed and can be rescinded. No other commenter addressed the rescission of this rule.

RESPONSE: The commission will proceed with the rescission.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 31—Universal Service

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 392.200, 392.248, and 392.470, RSMo 2000, the commission rescinds a rule as follows:

4 CSR 240-31.080 Applications for MoUSF Funds is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 16, 2013 (38 MoReg 1468). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 16, 2013, and the commission held a public hearing on the proposed rescission on October 21, 2013. The commission received timely written comments from the staff of the Missouri Public Service Commission; the Missouri Cable Telecommunications Association (MCTA); Southwestern Bell Telephone Company, d/b/a AT&T Missouri; CenturyTel of Missouri, LLC d/b/a CenturyLink, Embarq Missouri, Inc., d/b/a CenturyLink, Spectra Communications Group, LLC d/b/a CenturyLink, and CenturyTel of Northwest Arkansas, d/b/a CenturyLink (collectively CenturyLink); Cricket Communications, Inc.; and the Small Telephone Company Group and the Missouri Independent Telephone Company Group (collectively STCG). In addition, the following people offered comments at the hearing: Christina Baker, representing the Office of the Public Counsel; Barbara Meisenheimer, on behalf of the Office of the Public Counsel; Stephanie Bell, representing MCTA; Ken Woods, on behalf of MCTA; Bob Gryzmala, representing AT&T Missouri; Becky Kilpatrick, representing CenturyLink; Bill Steinmeier, representing Cricket; Brian McCartney, representing STCG; Colleen Dale, representing the staff of the Missouri Public Service Commission; and Natelle Dietrich, on behalf of the staff.

The commission considered this particular rule in conjunction with fourteen (14) other rules affecting telecommunications and the Missouri Universal Service Fund. Not all persons offering comments addressed this particular rule.

COMMENT #1: The commission's staff indicated it has attempted to review all commission rules relating to ETCs and the MoUSF. Most of those rules have not been revised since they were created in 1998. Aside from the need to update the rules, revisions are necessary to bring the state rules in line with recent changes to the federal USF and Lifeline programs. Staff proposed these rulemakings to accomplish five (5) objectives:

1. Consolidate within one (1) chapter of the Missouri rules all requirements pertaining to Eligible Telecommunications Carriers (ETCs) and the Missouri Universal Service Fund (MoUSF);
2. Rescind high-cost support rules;
3. Clarify and codify existing MoUSF Board responsibilities and procedures;
4. Update and clarify Lifeline program requirements; and
5. Update and clarify ETC requirements.

Staff said there are approximately seventy (70) landline and wireless companies in Missouri with ETC status. Companies with ETC status may receive USF funding for participation in the high-cost program or the Lifeline program, or both. The federal USF high-cost program provides financial support to an ETC for the provisioning of voice or broadband service, or both, to high-cost areas. The MoUSF does not currently offer high-cost support. The federal Lifeline program provides similar support to companies for the provision of discounted voice service to qualifying low-income customers. The MoUSF provides financial support to landline phone providers for service to qualifying low-income and disabled customers.

State commissions are responsible under federal law for determining which telecommunications companies may be designated as an ETC in their states. In addition, the state commissions are responsible for an annual certification process to allow ETCs to continue to receive high-cost support.

Federal high-cost programs and the Lifeline program have recently been subject to intense criticism and the Federal Communications Commission (FCC) has implemented significant reforms in those programs. The state commissions also have authority to impose additional state-specific requirements on ETCs to ensure compliance with state Lifeline programs so long as those additional requirements do not conflict with federal requirements.

RESPONSE: The commission thanks its staff for its general comments. The commission will address staff's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #2: The MCTA generally supports the commission's efforts to revise these rules. In particular, it supports the proposed deletion of rules relating to the high-cost component of the MoUSF in recognition of the fact that no such support is currently authorized and is unlikely to be authorized in the future. The MCTA also offered comments about specific provisions of the rules.

RESPONSE: The commission thanks the MCTA for its general comments and will address its comments about specific rule provisions in the appropriate rulemaking.

COMMENT #3: AT&T Missouri is critical of many aspects of the proposed rule changes. As part of a large company operating in many states, AT&T Missouri wants to see Missouri's rules closely adhere to federal standards imposed by the FCC. AT&T Missouri is concerned that additional state requirements would unnecessarily impose additional regulatory burdens.

AT&T Missouri also explains that recent federal regulatory efforts in this area have been focused on the Connect America Fund (CAF) which is aimed at providing high-cost universal service support for increasing broadband availability in areas lacking a private sector business case for broadband deployment. AT&T Missouri warns

against erecting state regulatory barriers to the acceptance of CAF funds to provide service to Missouri customers.

AT&T offered numerous comments about specific provisions of the rules.

RESPONSE: The commission thanks AT&T Missouri for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently. The commission will address AT&T Missouri's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #4: CenturyLink generally urges the commission to retain its current rules regarding potential high-cost support from the MoUSF as such support is still authorized by Missouri statute, even though no such program has been established. Furthermore, CenturyLink asks the commission to ensure that the standards imposed by its rules are aligned with and not in excess of those imposed by the FCC. CenturyLink also offered comments about specific provisions of the rules.

RESPONSE: The commission thanks CenturyLink for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address CenturyLink's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #5: Cricket is primarily concerned about the use of electronic forms to collect applications from customers and offers specific comments in that regard.

RESPONSE: The commission thanks Cricket for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #6: STCG represents Missouri's small, mostly rural incumbent telephone companies. STCG would like the commission to consider creation of a state high-cost USF fund. For that reason it asks the commission to retain a portion of the rules relating to such a fund. STCG also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks STCG for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #7: Public Counsel reminds the commission that it has a statutory obligation to preserve and advance universal service in this state. To that end, Public Counsel urges the commission to protect elements of such service, such as interexchange service, access to directory assistance, and access to operator services, rather than merely seeking to align Missouri rules with those offered by the FCC. Public Counsel also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks Public Counsel for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address Public Counsel's specific comments in the appropriate rulemaking.

COMMENT #8: Staff explains that some of the provisions of this rule have been updated and consolidated into other rules. Other provisions are outdated and no longer needed. As a result, this rule can be rescinded. No other commenter addressed the rescission of this rule.

RESPONSE: The commission will proceed with the rescission.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 31—Universal Service**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 392.200, RSMo Supp. 2013, and sections 392.248 and 392.470.1, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-31.090 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2013 (38 MoReg 1468-1469). Those sections with changes have been reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 16, 2013, and the commission held a public hearing on the proposed amendment on October 21, 2013. The commission received timely written comments from the staff of the Missouri Public Service Commission; the Missouri Cable Telecommunications Association (MCTA); Southwestern Bell Telephone Company, d/b/a AT&T Missouri; CenturyTel of Missouri, LLC d/b/a CenturyLink, Embarras Missouri, Inc., d/b/a CenturyLink, Spectra Communications Group, LLC d/b/a CenturyLink, and CenturyTel of Northwest Arkansas, d/b/a CenturyLink (collectively CenturyLink); Cricket Communications, Inc.; and the Small Telephone Company Group and the Missouri Independent Telephone Company Group (collectively STCG). In addition, the following people offered comments at the hearing: Christina Baker, representing the Office of the Public Counsel; Barbara Meisenheimer, on behalf of the Office of the Public Counsel; Stephanie Bell, representing MCTA; Ken Woods, on behalf of MCTA; Bob Gryzmala, representing AT&T Missouri; Becky Kilpatrick, representing CenturyLink; Bill Steinmeier, representing Cricket; Brian McCartney, representing STCG; Colleen Dale, representing the staff of the Missouri Public Service Commission; and Natelle Dietrich, on behalf of the staff.

The commission considered this particular rule in conjunction with fourteen (14) other rules affecting telecommunications and the Missouri Universal Service Fund. Not all persons offering comments addressed this particular rule.

COMMENT #1: The commission's staff indicated it has attempted to review all commission rules relating to ETCs and the MoUSF. Most of those rules have not been revised since they were created in 1998. Aside from the need to update the rules, revisions are necessary to bring the state rules in line with recent changes to the federal USF and Lifeline programs. Staff proposed these rulemakings to accomplish five (5) objectives:

1. Consolidate within one (1) chapter of the Missouri rules all requirements pertaining to Eligible Telecommunications Carriers (ETCs) and the Missouri Universal Service Fund (MoUSF);
2. Rescind high-cost support rules;
3. Clarify and codify existing MoUSF Board responsibilities and procedures;
4. Update and clarify Lifeline program requirements; and
5. Update and clarify ETC requirements.

Staff said there are approximately seventy (70) landline and wireless companies in Missouri with ETC status. Companies with ETC status may receive USF funding for participation in the high-cost program or the Lifeline program, or both. The federal USF high-cost program provides financial support to an ETC for the provisioning of voice or broadband service, or both, to high-cost areas. The MoUSF does not currently offer high-cost support. The federal Lifeline program provides similar support to companies for the provision of dis-

counted voice service to qualifying low-income customers. The MoUSF provides financial support to landline phone providers for service to qualifying low-income and disabled customers.

State commissions are responsible under federal law for determining which telecommunications companies may be designated as an ETC in their states. In addition, the state commissions are responsible for an annual certification process to allow ETCs to continue to receive high-cost support.

Federal high-cost programs and the Lifeline program have recently been subject to intense criticism and the Federal Communications Commission (FCC) has implemented significant reforms in those programs. The state commissions also have authority to impose additional state-specific requirements on ETCs to ensure compliance with state Lifeline programs so long as those additional requirements do not conflict with federal requirements.

RESPONSE: The commission thanks its staff for its general comments. The commission will address staff's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #2: The MCTA generally supports the commission's efforts to revise these rules. In particular, it supports the proposed deletion of rules relating to the high-cost component of the MoUSF in recognition of the fact that no such support is currently authorized and is unlikely to be authorized in the future. The MCTA also offered comments about specific provisions of the rules.

RESPONSE: The commission thanks the MCTA for its general comments and will address its comments about specific rule provisions in the appropriate rulemaking.

COMMENT #3: AT&T Missouri is critical of many aspects of the proposed rule changes. As part of a large company operating in many states, AT&T Missouri wants to see Missouri's rules closely adhere to federal standards imposed by the FCC. AT&T Missouri is concerned that additional state requirements would unnecessarily impose additional regulatory burdens.

AT&T Missouri also explains that recent federal regulatory efforts in this area have been focused on the Connect America Fund (CAF) which is aimed at providing high-cost universal service support for increasing broadband availability in areas lacking a private sector business case for broadband deployment. AT&T Missouri warns against erecting state regulatory barriers to the acceptance of CAF funds to provide service to Missouri customers.

AT&T offered numerous comments about specific provisions of the rules.

RESPONSE: The commission thanks AT&T Missouri for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently. The commission will address AT&T Missouri's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #4: CenturyLink generally urges the commission to retain its current rules regarding potential high-cost support from the MoUSF as such support is still authorized by Missouri statute, even though no such program has been established. Furthermore, CenturyLink asks the commission to ensure that the standards imposed by its rules are aligned with and not in excess of those imposed by the FCC. CenturyLink also offered comments about specific provisions of the rules.

RESPONSE: The commission thanks CenturyLink for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address CenturyLink's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #5: Cricket is primarily concerned about the use of

electronic forms to collect applications from customers and offers specific comments in that regard.

RESPONSE: The commission thanks Cricket for its general comments and will address its specific comments in the appropriate rule-making.

COMMENT #6: STCG represents Missouri's small, mostly rural incumbent telephone companies. STCG would like the commission to consider creation of a state high-cost USF fund. For that reason it asks the commission to retain a portion of the rules relating to such a fund. STCG also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks STCG for its general comments and will address its specific comments in the appropriate rule-making.

COMMENT #7: Public Counsel reminds the commission that it has a statutory obligation to preserve and advance universal service in this state. To that end, Public Counsel urges the commission to protect elements of such service, such as interexchange service, access to directory assistance, and access to operator services, rather than merely seeking to align Missouri rules with those offered by the FCC. Public Counsel also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks Public Counsel for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address Public Counsel's specific comments in the appropriate rulemaking.

COMMENT #8: Staff and STCG point to an error in section (1). In referring to ETCs, the word "Center" should be replaced with "Carriers."

RESPONSE AND EXPLANATION OF CHANGE: Staff and STCG are correct and the commission will replace "Center" with "Carriers."

COMMENT #9: The proposed amendment as published in the *Missouri Register* would delete section (4) of the existing rule, which indicates any interested entity that objects to a disbursement by the fund administrator may seek review of that disbursement by the board or the commission pursuant to 4 CSR 240-31.110. The MCTA asks the commission to leave that section in the rule to assure that interested entities may continue to object to and seek review of MoUSF disbursements.

RESPONSE: MCTA's concern is not warranted and section (4) of the existing rule is not needed. 4 CSR 240-31.110 continues to allow the board and the commission to review any action taken or decision issued by the fund administrator, now referred to as the MoUSFA. That regulation allows interested entities to object to and seek review of disbursements just as before. Section (4) of the existing 4 CSR 240-31.090 was merely an unnecessary reference to the other regulation and should be deleted.

4 CSR 240-31.090 Disbursements of MoUSF Funds

(1) Only Eligible Telecommunications Carriers (ETCs) certificated as a telecommunications company or registered as an Interconnected Voice over Internet Protocol (VoIP) provider are eligible to seek disbursements from the Missouri Universal Service Fund (MoUSF) by completing an Application for Support Eligibility form available on the MoUSF web site. A completed form must be submitted in a timely manner to the Missouri Universal Service Fund Administrator (MoUSFA). Failure to apply for support within three (3) months of provisioning service to the Lifeline or Disabled customer(s) shall

limit support to the amount requested or three hundred fifty dollars (\$350), whichever is less.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 31—Universal Service

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 392.200, 392.248, and 392.470, RSMo 2000, the commission withdraws a proposed rescission as follows:

4 CSR 240-31.100 Review Procedures for Support Payments is withdrawn.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on September 16, 2013 (38 MoReg 1469). This proposed rescission is withdrawn.

SUMMARY OF COMMENTS: The public comment period ended October 16, 2013, and the commission held a public hearing on the proposed rescission on October 21, 2013. The commission received timely written comments from the staff of the Missouri Public Service Commission; the Missouri Cable Telecommunications Association (MCTA); Southwestern Bell Telephone Company, d/b/a AT&T Missouri; CenturyTel of Missouri, LLC d/b/a CenturyLink, Embarq Missouri, Inc., d/b/a CenturyLink, Spectra Communications Group, LLC d/b/a CenturyLink, and CenturyTel of Northwest Arkansas, d/b/a CenturyLink (collectively CenturyLink); Cricket Communications, Inc.; and the Small Telephone Company Group and the Missouri Independent Telephone Company Group (collectively STCG). In addition, the following people offered comments at the hearing: Christina Baker, representing the Office of the Public Counsel; Barbara Meisenheimer, on behalf of the Office of the Public Counsel; Stephanie Bell, representing MCTA; Ken Woods, on behalf of MCTA; Bob Gryzmala, representing AT&T Missouri; Becky Kilpatrick, representing CenturyLink; Bill Steinmeier, representing Cricket; Brian McCartney, representing STCG; Colleen Dale, representing the staff of the Missouri Public Service Commission; and Natelle Dietrich, on behalf of the staff.

The commission considered this particular rule in conjunction with fourteen (14) other rules affecting telecommunications and the Missouri Universal Service Fund. Not all persons offering comments addressed this particular rule.

COMMENT #1: The commission's staff indicated it has attempted to review all commission rules relating to ETCs and the MoUSF. Most of those rules have not been revised since they were created in 1998. Aside from the need to update the rules, revisions are necessary to bring the state rules in line with recent changes to the federal USF and Lifeline programs. Staff proposed these rulemakings to accomplish five (5) objectives:

1. Consolidate within one (1) chapter of the Missouri rules all requirements pertaining to Eligible Telecommunications Carriers (ETCs) and the Missouri Universal Service Fund (MoUSF);
2. Rescind high-cost support rules;
3. Clarify and codify existing MoUSF Board responsibilities and procedures;
4. Update and clarify Lifeline program requirements; and
5. Update and clarify ETC requirements.

Staff said there are approximately seventy (70) landline and wireless companies in Missouri with ETC status. Companies with ETC status may receive USF funding for participation in the high-cost program or the Lifeline program, or both. The federal USF high-cost program provides financial support to an ETC for the provisioning of

voice or broadband service, or both, to high-cost areas. The MoUSF does not currently offer high-cost support. The federal Lifeline program provides similar support to companies for the provision of discounted voice service to qualifying low-income customers. The MoUSF provides financial support to landline phone providers for service to qualifying low-income and disabled customers.

State commissions are responsible under federal law for determining which telecommunications companies may be designated as an ETC in their states. In addition, the state commissions are responsible for an annual certification process to allow ETCs to continue to receive high-cost support.

Federal high-cost programs and the Lifeline program have recently been subject to intense criticism and the Federal Communications Commission (FCC) has implemented significant reforms in those programs. The state commissions also have authority to impose additional state-specific requirements on ETCs to ensure compliance with state Lifeline programs so long as those additional requirements do not conflict with federal requirements.

RESPONSE: The commission thanks its staff for its general comments. The commission will address staff's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #2: The MCTA generally supports the commission's efforts to revise these rules. In particular, it supports the proposed deletion of rules relating to the high-cost component of the MoUSF in recognition of the fact that no such support is currently authorized and is unlikely to be authorized in the future. The MCTA also offered comments about specific provisions of the rules.

RESPONSE: The commission thanks the MCTA for its general comments and will address its comments about specific rule provisions in the appropriate rulemaking.

COMMENT #3: AT&T Missouri is critical of many aspects of the proposed rule changes. As part of a large company operating in many states, AT&T Missouri wants to see Missouri's rules closely adhere to federal standards imposed by the FCC. AT&T Missouri is concerned that additional state requirements would unnecessarily impose additional regulatory burdens.

AT&T Missouri also explains that recent federal regulatory efforts in this area have been focused on the Connect America Fund (CAF) which is aimed at providing high-cost universal service support for increasing broadband availability in areas lacking a private sector business case for broadband deployment. AT&T Missouri warns against erecting state regulatory barriers to the acceptance of CAF funds to provide service to Missouri customers.

AT&T offered numerous comments about specific provisions of the rules.

RESPONSE: The commission thanks AT&T Missouri for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently. The commission will address AT&T Missouri's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #4: CenturyLink generally urges the commission to retain its current rules regarding potential high-cost support from the MoUSF as such support is still authorized by Missouri statute, even though no such program has been established. Furthermore, CenturyLink asks the commission to ensure that the standards imposed by its rules are aligned with and not in excess of those imposed by the FCC. CenturyLink also offered comments about specific provisions of the rules.

RESPONSE: The commission thanks CenturyLink for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address CenturyLink's comments about specific rule provisions

in the appropriate rulemaking.

COMMENT #5: Cricket is primarily concerned about the use of electronic forms to collect applications from customers and offers specific comments in that regard.

RESPONSE: The commission thanks Cricket for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #6: STCG represents Missouri's small, mostly rural incumbent telephone companies. STCG would like the commission to consider creation of a state high-cost USF fund. For that reason it asks the commission to retain a portion of the rules relating to such a fund. STCG also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks STCG for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #7: Public Counsel reminds the commission that it has a statutory obligation to preserve and advance universal service in this state. To that end, Public Counsel urges the commission to protect elements of such service, such as interexchange service, access to directory assistance, and access to operator services, rather than merely seeking to align Missouri rules with those offered by the FCC. Public Counsel also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks Public Counsel for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address Public Counsel's specific comments in the appropriate rulemaking.

COMMENT #8: Staff explains that this rule should be rescinded because it is solely related to requirements associated with a high-cost fund that has not been implemented. No other commenter addressed the rescission of this particular rule. However, the STCG and CenturyLink suggested in general terms that the commission should leave open the possibility of establishing a high-cost fund in the future.

RESPONSE AND EXPLANATION OF CHANGE: The commission will open a working case to consider whether high-cost funding from the MoUSF should be established. This rule should remain in place while that working case proceeds. For that reason, the commission will withdraw its proposed rescission of this rule.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 31—Universal Service

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 392.200, RSMo Supp. 2013, and sections 392.248 and 392.470.1, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-31.110 Review of Board and MoUSFA Activities is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 16, 2013 (38 MoReg 1469–1470). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed

amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 16, 2013, and the commission held a public hearing on the proposed amendment on October 21, 2013. The commission received timely written comments from the staff of the Missouri Public Service Commission; the Missouri Cable Telecommunications Association (MCTA); Southwestern Bell Telephone Company, d/b/a AT&T Missouri; CenturyTel of Missouri, LLC d/b/a CenturyLink, Embarq Missouri, Inc., d/b/a CenturyLink, Spectra Communications Group, LLC d/b/a CenturyLink, and CenturyTel of Northwest Arkansas, d/b/a CenturyLink (collectively CenturyLink); Cricket Communications, Inc.; and the Small Telephone Company Group and the Missouri Independent Telephone Company Group (collectively STCG). In addition, the following people offered comments at the hearing: Christina Baker, representing the Office of the Public Counsel; Barbara Meisenheimer, on behalf of the Office of the Public Counsel; Stephanie Bell, representing MCTA; Ken Woods, on behalf of MCTA; Bob Gryzmala, representing AT&T Missouri; Becky Kilpatrick, representing CenturyLink; Bill Steinmeier, representing Cricket; Brian McCartney, representing STCG; Colleen Dale, representing the staff of the Missouri Public Service Commission; and Natelle Dietrich, on behalf of the staff.

The commission considered this particular rule in conjunction with fourteen (14) other rules affecting telecommunications and the Missouri Universal Service Fund. Not all persons offering comments addressed this particular rule.

COMMENT #1: The commission's staff indicated it has attempted to review all commission rules relating to ETCs and the MoUSF. Most of those rules have not been revised since they were created in 1998. Aside from the need to update the rules, revisions are necessary to bring the state rules in line with recent changes to the federal USF and Lifeline programs. Staff proposed these rulemakings to accomplish five (5) objectives:

1. Consolidate within one (1) chapter of the Missouri rules all requirements pertaining to Eligible Telecommunications Carriers (ETCs) and the Missouri Universal Service Fund (MoUSF);
2. Rescind high-cost support rules;
3. Clarify and codify existing MoUSF Board responsibilities and procedures;
4. Update and clarify Lifeline program requirements; and
5. Update and clarify ETC requirements.

Staff said there are approximately seventy (70) landline and wireless companies in Missouri with ETC status. Companies with ETC status may receive USF funding for participation in the high-cost program or the Lifeline program, or both. The federal USF high-cost program provides financial support to an ETC for the provisioning of voice or broadband service, or both, to high-cost areas. The MoUSF does not currently offer high-cost support. The federal Lifeline program provides similar support to companies for the provision of discounted voice service to qualifying low-income customers. The MoUSF provides financial support to landline phone providers for service to qualifying low-income and disabled customers.

State commissions are responsible under federal law for determining which telecommunications companies may be designated as an ETC in their states. In addition, the state commissions are responsible for an annual certification process to allow ETCs to continue to receive high-cost support.

Federal high-cost programs and the Lifeline program have recently been subject to intense criticism and the Federal Communications Commission (FCC) has implemented significant reforms in those programs. The state commissions also have authority to impose additional state-specific requirements on ETCs to ensure compliance with state Lifeline programs so long as those additional requirements do not conflict with federal requirements.

RESPONSE: The commission thanks its staff for its general com-

ments. The commission will address staff's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #2: The MCTA generally supports the commission's efforts to revise these rules. In particular, it supports the proposed deletion of rules relating to the high-cost component of the MoUSF in recognition of the fact that no such support is currently authorized and is unlikely to be authorized in the future. The MCTA also offered comments about specific provisions of the rules.

RESPONSE: The commission thanks the MCTA for its general comments and will address its comments about specific rule provisions in the appropriate rulemaking.

COMMENT #3: AT&T Missouri is critical of many aspects of the proposed rule changes. As part of a large company operating in many states, AT&T Missouri wants to see Missouri's rules closely adhere to federal standards imposed by the FCC. AT&T Missouri is concerned that additional state requirements would unnecessarily impose additional regulatory burdens.

AT&T Missouri also explains that recent federal regulatory efforts in this area have been focused on the Connect America Fund (CAF) which is aimed at providing high-cost universal service support for increasing broadband availability in areas lacking a private sector business case for broadband deployment. AT&T Missouri warns against erecting state regulatory barriers to the acceptance of CAF funds to provide service to Missouri customers.

AT&T offered numerous comments about specific provisions of the rules.

RESPONSE: The commission thanks AT&T Missouri for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently. The commission will address AT&T Missouri's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #4: CenturyLink generally urges the commission to retain its current rules regarding potential high-cost support from the MoUSF as such support is still authorized by Missouri statute, even though no such program has been established. Furthermore, CenturyLink asks the commission to ensure that the standards imposed by its rules are aligned with and not in excess of those imposed by the FCC. CenturyLink also offered comments about specific provisions of the rules.

RESPONSE: The commission thanks CenturyLink for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address CenturyLink's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #5: Cricket is primarily concerned about the use of electronic forms to collect applications from customers and offers specific comments in that regard.

RESPONSE: The commission thanks Cricket for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #6: STCG represents Missouri's small, mostly rural incumbent telephone companies. STCG would like the commission to consider creation of a state high-cost USF fund. For that reason it asks the commission to retain a portion of the rules relating to such a fund. STCG also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks STCG for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #7: Public Counsel reminds the commission that it has a statutory obligation to preserve and advance universal service in this state. To that end, Public Counsel urges the commission to protect elements of such service, such as interexchange service, access to directory assistance, and access to operator services, rather than merely seeking to align Missouri rules with those offered by the FCC. Public Counsel also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks Public Counsel for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address Public Counsel's specific comments in the appropriate rulemaking.

COMMENT #8: Staff explains that the proposed amendment published in the *Missouri Register* makes only minor revisions to the existing rule regarding review of board and MoUSFA activities. No other commenter addressed this proposed amendment.

RESPONSE: The commission thanks staff for its comments and will make no changes to the proposed amendment.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission Chapter 31—Universal Service

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 392.200, RSMo Supp. 2013, and sections 392.248 and 392.470.1, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-31.120 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2013 (38 MoReg 1470-1472). Those sections with changes have been reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 16, 2013, and the commission held a public hearing on the proposed rule on October 21, 2013. The commission received timely written comments from the staff of the Missouri Public Service Commission; the Missouri Cable Telecommunications Association (MCTA); Southwestern Bell Telephone Company, d/b/a AT&T Missouri; CenturyTel of Missouri, LLC d/b/a CenturyLink, Embarq Missouri, Inc., d/b/a CenturyLink, Spectra Communications Group, LLC d/b/a CenturyLink, and CenturyTel of Northwest Arkansas, d/b/a CenturyLink (collectively CenturyLink); Cricket Communications, Inc.; and the Small Telephone Company Group and the Missouri Independent Telephone Company Group (collectively STCG). In addition, the following people offered comments at the hearing: Christina Baker, representing the Office of the Public Counsel; Barbara Meisenheimer, on behalf of the Office of the Public Counsel; Stephanie Bell, representing MCTA; Ken Woods, on behalf of MCTA; Bob Gryzmala, representing AT&T Missouri; Becky Kilpatrick, representing CenturyLink; Bill Steinmeier, representing Cricket; Brian McCartney, representing STCG; Colleen Dale, representing the staff of the Missouri Public Service Commission; and Natelle Dietrich, on behalf of the staff.

The commission considered this particular rule in conjunction with fourteen (14) other rules affecting telecommunications and the Missouri Universal Service Fund. Not all persons offering comments addressed this particular rule.

COMMENT #1: The commission's staff indicated it has attempted to review all commission rules relating to ETCs and the MoUSF. Most of those rules have not been revised since they were created in 1998. Aside from the need to update the rules, revisions are necessary to bring the state rules in line with recent changes to the federal USF and Lifeline programs. Staff proposed these rulemakings to accomplish five (5) objectives:

1. Consolidate within one (1) chapter of the Missouri rules all requirements pertaining to Eligible Telecommunications Carriers (ETCs) and the Missouri Universal Service Fund (MoUSF);
2. Rescind high-cost support rules;
3. Clarify and codify existing MoUSF Board responsibilities and procedures;
4. Update and clarify Lifeline program requirements; and
5. Update and clarify ETC requirements.

Staff said there are approximately seventy (70) landline and wireless companies in Missouri with ETC status. Companies with ETC status may receive USF funding for participation in the high-cost program or the Lifeline program, or both. The federal USF high-cost program provides financial support to an ETC for the provisioning of voice or broadband service, or both, to high-cost areas. The MoUSF does not currently offer high-cost support. The federal Lifeline program provides similar support to companies for the provision of discounted voice service to qualifying low-income customers. The MoUSF provides financial support to landline phone providers for service to qualifying low-income and disabled customers.

State commissions are responsible under federal law for determining which telecommunications companies may be designated as an ETC in their states. In addition, the state commissions are responsible for an annual certification process to allow ETCs to continue to receive high-cost support.

Federal high-cost programs and the Lifeline program have recently been subject to intense criticism and the Federal Communications Commission (FCC) has implemented significant reforms in those programs. The state commissions also have authority to impose additional state-specific requirements on ETCs to ensure compliance with state Lifeline programs so long as those additional requirements do not conflict with federal requirements.

RESPONSE: The commission thanks its staff for its general comments. The commission will address staff's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #2: The MCTA generally supports the commission's efforts to revise these rules. In particular, it supports the proposed deletion of rules relating to the high-cost component of the MoUSF in recognition of the fact that no such support is currently authorized and is unlikely to be authorized in the future. The MCTA also offered comments about specific provisions of the rules.

RESPONSE: The commission thanks the MCTA for its general comments and will address its comments about specific rule provisions in the appropriate rulemaking.

COMMENT #3: AT&T Missouri is critical of many aspects of the proposed rule changes. As part of a large company operating in many states, AT&T Missouri wants to see Missouri's rules closely adhere to federal standards imposed by the FCC. AT&T Missouri is concerned that additional state requirements would unnecessarily impose additional regulatory burdens.

AT&T Missouri also explains that recent federal regulatory efforts in this area have been focused on the Connect America Fund (CAF) which is aimed at providing high-cost universal service support for increasing broadband availability in areas lacking a private sector business case for broadband deployment. AT&T Missouri warns against erecting state regulatory barriers to the acceptance of CAF funds to provide service to Missouri customers.

AT&T offered numerous comments about specific provisions of the rules.

RESPONSE: The commission thanks AT&T Missouri for its general comments. The commission will attempt to balance the interests

of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently. The commission will address AT&T Missouri's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #4: CenturyLink generally urges the commission to retain its current rules regarding potential high-cost support from the MoUSF as such support is still authorized by Missouri statute, even though no such program has been established. Furthermore, CenturyLink asks the commission to ensure that the standards imposed by its rules are aligned with and not in excess of those imposed by the FCC. CenturyLink also offered comments about specific provisions of the rules.

RESPONSE: The commission thanks CenturyLink for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address CenturyLink's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #5: Cricket is primarily concerned about the use of electronic forms to collect applications from customers and offers specific comments in that regard.

RESPONSE: The commission thanks Cricket for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #6: STCG represents Missouri's small, mostly rural incumbent telephone companies. STCG would like the commission to consider creation of a state high-cost USF fund. For that reason it asks the commission to retain a portion of the rules relating to such a fund. STCG also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks STCG for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #7: Public Counsel reminds the commission that it has a statutory obligation to preserve and advance universal service in this state. To that end, Public Counsel urges the commission to protect elements of such service, such as interexchange service, access to directory assistance, and access to operator services, rather than merely seeking to align Missouri rules with those offered by the FCC. Public Counsel also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks Public Counsel for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address Public Counsel's specific comments in the appropriate rulemaking.

COMMENT #8: Staff explains that subparagraph (1)(C)1.F., as published in the *Missouri Register*, lists participation in the Federal Supplemental Security Income program as an eligibility criterion for participation in the Disabled program. Participation in the Federal Supplemental Security Income program also qualifies for participation in the Lifeline program under subsection (1)(A) of this rule. Because participation in the Lifeline program always results in a greater discount than is available through participation in the Disabled program, staff suggests that the Federal Supplemental Security Income program be removed as a criteria for participation in the Disabled program to ensure that all enrollees who qualify under that criteria are enrolled under the Lifeline program rather than the Disabled program.

RESPONSE AND EXPLANATION OF CHANGE: The commis-

sion agrees with staff and will make the proposed change.

COMMENT #9: CenturyTel suggests that section (1)'s eligibility criteria for the Lifeline program should be explicitly linked to the eligibility criteria for the federal counterparts to those programs as established by the FCC. Doing so would avoid confusion or inconsistency if federal requirements were to change in the future.

RESPONSE: The eligibility criteria for the Lifeline program under the MoUSF already match the criteria established by federal regulations, although they are listed in a different order in the commission's proposed regulation. In addition, paragraph (1)(A)9. of the proposed regulation is a catch-all provision that would incorporate any additional criteria included in future federal regulations. As a result, there is no need to change the rule in the manner proposed by CenturyTel.

COMMENT #10: The STCG notes that the definition of the Lifeline program in paragraph (1)(B)2. differs from the definition of the Disabled program in paragraph (1)(C)2. in that the Lifeline regulation limits eligibility to "certificated" telecommunications companies, while the Disabled program simply refers to telecommunications companies without the "certificated" limitation. The STCG suggests "certificated" be added to the criteria for the Disabled program.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees the two (2) sections should be in harmony. However, AT&T Missouri explained in an unrelated comment that it is not a "certificated" telecommunications company. Instead it operates under a state charter that excuses it from having to obtain a certificate. Therefore, the word "certificated" will be removed from paragraph (1)(B)2. and replaced with the word "operating."

COMMENT #11: AT&T Missouri and CenturyLink note that subsection (2)(C) requires an ETC to annually recertify a subscriber's eligibility for participation in the Lifeline program. They are concerned that the commission's regulation requires the ETC to "submit proof of eligibility" at least once every two (2) years unless the ETC has an automated means of verifying subscriber eligibility or its annual recertification process is administered by the federal universal service fund administrator.

AT&T Missouri and CenturyLink explain that the federal regulations established by the FCC do not require the submission of "proof of eligibility" and instead allow a subscriber to self-certify continued eligibility under circumstances described in the federal regulation. They argue there is no reason to impose additional, state-specific regulations where there has been no suggestion that the FCC's measures are insufficient.

RESPONSE: The commission believes that the submission of "proof of eligibility" at least once every two (2) years is a reasonable and necessary requirement to protect the integrity of the MoUSF Lifeline program. The commission will not make the change proposed by AT&T Missouri and CenturyLink.

COMMENT #12: AT&T Missouri is concerned about subsection (2)(D), which requires annual recertification of eligibility under the Disabled program. The rule as proposed would require the ETC to apply the same procedure identified in subsection (2)(C) to Disabled program participants. AT&T would change that provision to simply require the ETC to obtain a signed certification from all Disabled program participants. Staff agrees that there is no need to ask a Disabled participant to submit proof of eligibility every two (2) years because there is no database to verify a disabled consumer's continued eligibility and FUSFA will not recertify disabled program participants. Staff proposes subsection (2)(D) be modified to recognize those limitations.

RESPONSE AND EXPLANATION OF CHANGE: The commission will accept the language proposed by staff. That language is less burdensome than the language proposed by AT&T Missouri.

COMMENT #13: Subsection (3)(A), requires applicants to complete an application form approved by the board. AT&T Missouri contends the rule should allow ETCs to use their own forms so long as those forms comply with FCC established requirements. This is the same argument AT&T Missouri and other commenters made with regard to the proposed amendment of 4 CSR 240-31.020(9).

RESPONSE AND EXPLANATION OF CHANGE: The commission generally agrees with AT&T Missouri. It is appropriate to allow ETCs the flexibility to design and use forms of their own choosing so long as those forms comply with FCC and commission requirements. The commission will slightly modify the alternative language proposed by AT&T Missouri to recognize the commission's role regarding the forms.

COMMENT #14: AT&T Missouri contends subsection (3)(C) should be deleted from the rule. That subsection would require the carrier to deny or discontinue a subscriber's participation in the Lifeline or Disabled program if it is discovered that the subscriber has submitted incorrect, false, or fraudulent information to the carrier. AT&T Missouri believes this section is vague and overbroad in that a subscriber might inadvertently submit incorrect or false information that could be easily corrected and should not be denied participation on that basis. AT&T also contends the section is unnecessary because eligibility requirements and de-enrollment procedures are already established in other provisions of the regulations.

RESPONSE AND EXPLANATION OF CHANGE: The commission disagrees with AT&T Missouri. This subsection is necessary to send a strong message that the submission of fraudulent information when applying for participation in the Lifeline and Disabled programs will not be tolerated. This subsection does not require the carrier to affirmatively investigate fraud, it just requires the carrier to take action when fraud comes to its attention. The commission will not delete subsection (3)(C), but will modify the language to make it clear that subscribers are to be denied participation in the program only for providing fraudulent, not just incorrect or false, information to the carrier.

COMMENT #15: Section (4) establishes de-enrollment procedures for various situations. Staff explains that the procedures established in the section are intended to track the de-enrollment language established by FCC rule. Rather than have a separate state rule that repeats the requirements of the federal rule, staff asks that all of section (4) be deleted and a new subsection (2)(G) be added to the rule to reference and require compliance with the federal rule.

RESPONSE AND EXPLANATION OF CHANGE: The commission will make the change proposed by staff. Section (4) as published in the *Missouri Register* will be deleted. Section (5) as published in the *Missouri Register* will be renumbered as section (4).

COMMENT #16: Staff proposes a new section (5) to establish requirements for the application forms to be used to collect Lifeline and Disabled program applications. Staff also proposes to move language from the proposed 4 CSR 240-31.020(9) into this new section. Staff asks that the commission require the use of a standard board-approved form, but if the commission chooses to allow carriers the discretion to use their own forms, staff offers alternative language for this section.

RESPONSE AND EXPLANATION OF CHANGE: The commission generally agrees with AT&T Missouri. It is appropriate to allow ETCs the flexibility to design and use forms of their own choosing so long as those forms comply with FCC and commission requirements. Staff proposed alternative language that allows ETCs the flexibility to design their own appropriate form. The commission will adopt the alternative language proposed by staff.

COMMENT #17: At the hearing, Bill Steinmeier, representing Cricket, challenged the sentence in paragraph (5)(C)6. of the language proposed by staff. That sentence attempts to preclude review

of the board decisions about company-specific forms. Mr. Steinmeier contends such a preclusion of the possibility of review would be a denial of due process and would therefore be unconstitutional.

RESPONSE AND EXPLANATION OF CHANGE: Mr. Steinmeier is correct; the board cannot preclude review of its decisions. The commission will not include what staff proposed as paragraph (5)(C)6. in the rule.

COMMENT #18: Cricket proposes a new section that would allow an ETC to use an electronic version of whatever application form the commission chooses to allow. Cricket explains the advantages of using an electronic form and staff agrees that such forms should be allowed.

RESPONSE AND EXPLANATION OF CHANGE: The commission will adopt the language proposed by Cricket relating to the use of electronic forms.

4 CSR 240-31.120 Lifeline Program and Disabled Program

(1) Lifeline and Disabled Programs Described.

(B) The Lifeline program is funded by the FUSF and the MoUSF. An ETC participating in the Lifeline program shall comply with this rule even if it solely receives only federal support.

1. The FUSF Lifeline funding is specified in 47 CFR 54.403. This funding is available to all designated ETCs.

2. The MoUSF Lifeline funding is three dollars and fifty cents (\$3.50) per month per Lifeline subscriber for ETCs operating as a telecommunications company or registered as an IVoIP provider.

3. MoUSF Lifeline funding when combined with FUSF Lifeline funding shall not exceed the sum of an ETC's local voice telephony service monthly rate and subscriber line charge.

(C) The Disabled program is a residential retail service that offers a qualifying disabled customer reduced charges for voice telephony service. The Disabled program is solely administered by the board through these rules and is solely funded by the MoUSF.

1. The Disabled program eligibility criteria includes participation in—

- A. Veteran Administration Disability Benefits;
- B. State Blind Pension;
- C. State Aid to Blind Persons;
- D. State Supplemental Disability Assistance;
- E. Federal Social Security Disability.

2. The MoUSF provides three dollars and fifty cents (\$3.50) per month per disabled subscriber; however, MoUSF support is limited to telecommunications companies and interconnected VoIP providers. MoUSF support is not available to wireless carriers.

(2) Carrier Participation Requirements in the Lifeline and Disabled Programs.

(D) An ETC shall annually conduct an inquiry for any household participating in the Disabled program if the qualifying Disabled customer is not listed as the voice telephony subscriber. The inquiry shall be limited to whether the qualifying Disabled customer remains within the household.

(G) An ETC shall comply with de-enrollment requirements identified in 47 CFR Section 54.405 for the Lifeline program and Disabled program.

(3) Consumer Eligibility for the Lifeline and Disabled Programs.

(A) All consumers shall complete an application form which complies with 47 CFR 54.410 and with commission requirements as described in 4 CSR 240-31.120(5), and shall submit adequate proof of eligibility. An application shall be required even if a carrier only seeks federal Lifeline support.

(C) A subscriber's participation in the Lifeline or Disabled programs shall be denied or discontinued if it is discovered the subscriber has submitted fraudulent information to the carrier.

(4) Requirements for a Company offering Lifeline or Disabled Service on a resale basis without ETC status.

(A) Any company offering Lifeline and/or Disabled service solely on a resale basis and without ETC status shall comply with all requirements identified in this chapter and 47 CFR Part 54 Subpart E.

(B) The company shall provide the following information to the manager of the commission's Telecommunications Unit:

1. Certification via affidavit by an officer of the company that the company will comply with all requirements associated with the Lifeline or Disabled programs within 4 CSR 240-31 and 47 CFR Part 54 Subpart E as if the company has ETC designation.

2. Contact information including address, email, and direct phone number for the primary individual employed by the company for ensuring compliance with 4 CSR 240-31 and 47 CFR Part 54 Subpart E.

3. A copy of the consumer application enrollment form the company intends to use to sign-up customers to the Lifeline and/or Disabled programs.

4. Full and complete responses to information identified in 4 CSR 240-31.130(1)(B)1., 2., 4., 7., 8., 11. and 12.; (C) and (D).

(C) Companies intending to offer Lifeline and/or Disabled service solely on a resale basis and without ETC status shall provide the information in subsection (B) at least thirty (30) days in advance of offering such services. Any company already offering such services on the effective date of this rule must provide such information within thirty (30) days of the effective date of this rule.

(D) The company shall annually submit, no later than July 1 of each year, all information required in 4 CSR 240-31.130(3)(A) in the commission's Electronic Filing and Information System.

(5) Requirements for Lifeline and Disabled Application Forms.

(A) The board will provide sample Lifeline and Disabled application forms (sample forms) to be placed on the commission's website and the MoUSFA website.

(B) ETCs may use the sample forms or may use their own company-specific Lifeline and Disabled application form (company-specific form).

(C) If a company uses a company-specific form, the following requirements shall apply:

1. The company-specific form shall comply with all requirements of 47 CFR 54.410(d) and this rule.

2. The company-specific form shall comport with any FCC-approved compliance plan applicable to that company.

3. The company-specific form shall clearly delineate all customer obligations and provisions and all acknowledgements that must be provided subject to penalty of law.

A. Customer obligations, provisions, and acknowledgements shall be in a font that is at least as large as the font used in the majority of the company-specific form.

B. Customer obligations, provisions, and acknowledgements shall receive no less emphasis of importance than is provided for the majority of the language in the company-specific form.

4. The ETC shall provide a method, whether on the form or in another format, to allow commission staff, upon request, to easily verify that the customer is providing, and the ETC is reviewing appropriate documentation of customer eligibility.

5. Neither the commission, nor the board, shall be considered as endorsing or approving the company-specific form.

6. Nothing in this section shall preclude the staff or the Office of the Public Counsel from filing a complaint related to the Lifeline and Disabled application form used by any ETC.

(6) Electronic Lifeline and Disabled Application Forms.

(A) ETCs may use an electronic Lifeline and/or Disabled application form.

(B) If a company uses an electronic form, the following requirements shall apply:

1. The electronic form shall comply with all requirements of 47 CFR 54.410(d) and this rule.

2. The electronic form shall comport with any FCC-approved compliance plan applicable to that company.

3. The electronic form shall clearly delineate all customer obligations and provisions and all acknowledgements that must be provided subject to penalty of law.

A. Customer obligations, provisions, and acknowledgements shall be in a font that is at least as large as the font used in the majority of the form.

B. Customer obligations, provisions, and acknowledgements shall receive no less emphasis of importance than is provided for the majority of the language in the form.

4. An ETC using an electronic form shall, upon request, provide to staff, or the Office of the Public Counsel, a print-out, or a demonstration, of its electronic customer application form.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 31—Universal Service

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 392.200, RSMo Supp. 2013, and sections 392.248 and 392.470.1, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-31.130 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on September 16, 2013 (38 MoReg 1472-1476). Those sections with changes have been reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended October 16, 2013, and the commission held a public hearing on the proposed rule on October 21, 2013. The commission received timely written comments from the staff of the Missouri Public Service Commission; the Missouri Cable Telecommunications Association (MCTA); Southwestern Bell Telephone Company, d/b/a AT&T Missouri; CenturyTel of Missouri, LLC d/b/a CenturyLink, Embarq Missouri, Inc., d/b/a CenturyLink, Spectra Communications Group, LLC d/b/a CenturyLink, and CenturyTel of Northwest Arkansas, d/b/a CenturyLink (collectively CenturyLink); Cricket Communications, Inc.; and the Small Telephone Company Group and the Missouri Independent Telephone Company Group (collectively STCG). In addition, the following people offered comments at the hearing: Christina Baker, representing the Office of the Public Counsel; Barbara Meisenheimer, on behalf of the Office of the Public Counsel; Stephanie Bell, representing MCTA; Ken Woods, on behalf of MCTA; Bob Gryzmala, representing AT&T Missouri; Becky Kilpatrick, representing CenturyLink; Bill Steinmeier, representing Cricket; Brian McCartney, representing STCG; Colleen Dale, representing the staff of the Missouri Public Service Commission; and Natelle Dietrich, on behalf of the staff.

The commission considered this particular rule in conjunction with fourteen (14) other rules affecting telecommunications and the Missouri Universal Service Fund. Not all persons offering comments addressed this particular rule.

COMMENT #1: The commission's staff indicated it has attempted to review all commission rules relating to ETCs and the MoUSF. Most of those rules have not been revised since they were created in 1998. Aside from the need to update the rules, revisions are necessary to bring the state rules in line with recent changes to the federal USF and

Lifeline programs. Staff proposed these rulemakings to accomplish five (5) objectives:

1. Consolidate within one (1) chapter of the Missouri rules all requirements pertaining to Eligible Telecommunications Carriers (ETCs) and the Missouri Universal Service Fund (MoUSF);
2. Rescind high-cost support rules;
3. Clarify and codify existing MoUSF Board responsibilities and procedures;
4. Update and clarify Lifeline program requirements; and
5. Update and clarify ETC requirements.

Staff said there are approximately seventy (70) landline and wireless companies in Missouri with ETC status. Companies with ETC status may receive USF funding for participation in the high-cost program or the Lifeline program, or both. The federal USF high-cost program provides financial support to an ETC for the provisioning of voice or broadband service, or both, to high-cost areas. The MoUSF does not currently offer high-cost support. The federal Lifeline program provides similar support to companies for the provision of discounted voice service to qualifying low-income customers. The MoUSF provides financial support to landline phone providers for service to qualifying low-income and disabled customers.

State commissions are responsible under federal law for determining which telecommunications companies may be designated as an ETC in their states. In addition, the state commissions are responsible for an annual certification process to allow ETCs to continue to receive high-cost support.

Federal high-cost programs and the Lifeline program have recently been subject to intense criticism and the Federal Communications Commission (FCC) has implemented significant reforms in those programs. The state commissions also have authority to impose additional state-specific requirements on ETCs to ensure compliance with state Lifeline programs so long as those additional requirements do not conflict with federal requirements.

RESPONSE: The commission thanks its staff for its general comments. The commission will address staff's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #2: The MCTA generally supports the commission's efforts to revise these rules. In particular, it supports the proposed deletion of rules relating to the high-cost component of the MoUSF in recognition of the fact that no such support is currently authorized and is unlikely to be authorized in the future. The MCTA also offered comments about specific provisions of the rules.

RESPONSE: The commission thanks the MCTA for its general comments and will address its comments about specific rule provisions in the appropriate rulemaking.

COMMENT #3: AT&T Missouri is critical of many aspects of the proposed rule changes. As part of a large company operating in many states, AT&T Missouri wants to see Missouri's rules closely adhere to federal standards imposed by the FCC. AT&T Missouri is concerned that additional state requirements would unnecessarily impose additional regulatory burdens.

AT&T Missouri also explains that recent federal regulatory efforts in this area have been focused on the Connect America Fund (CAF) which is aimed at providing high-cost universal service support for increasing broadband availability in areas lacking a private sector business case for broadband deployment. AT&T Missouri warns against erecting state regulatory barriers to the acceptance of CAF funds to provide service to Missouri customers.

AT&T offered numerous comments about specific provisions of the rules.

RESPONSE: The commission thanks AT&T Missouri for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently. The commission will address AT&T Missouri's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #4: CenturyLink generally urges the commission to retain its current rules regarding potential high-cost support from the MoUSF as such support is still authorized by Missouri statute, even though no such program has been established. Furthermore, CenturyLink asks the commission to ensure that the standards imposed by its rules are aligned with and not in excess of those imposed by the FCC. CenturyLink also offered comments about specific provisions of the rules.

RESPONSE: The commission thanks CenturyLink for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address CenturyLink's comments about specific rule provisions in the appropriate rulemaking.

COMMENT #5: Cricket is primarily concerned about the use of electronic forms to collect applications from customers and offers specific comments in that regard.

RESPONSE: The commission thanks Cricket for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #6: STCG represents Missouri's small, mostly rural incumbent telephone companies. STCG would like the commission to consider creation of a state high-cost USF fund. For that reason it asks the commission to retain a portion of the rules relating to such a fund. STCG also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks STCG for its general comments and will address its specific comments in the appropriate rulemaking.

COMMENT #7: Public Counsel reminds the commission that it has a statutory obligation to preserve and advance universal service in this state. To that end, Public Counsel urges the commission to protect elements of such service, such as interexchange service, access to directory assistance, and access to operator services, rather than merely seeking to align Missouri rules with those offered by the FCC. Public Counsel also offers comments about specific provisions of the rules.

RESPONSE: The commission thanks Public Counsel for its general comments. The commission will attempt to balance the interests of telecommunications providers in having a streamlined regulatory process against the need to ensure that the USF programs are run efficiently and Missouri consumers are protected. The commission will address Public Counsel's specific comments in the appropriate rulemaking.

COMMENT #8: Paragraph (1)(B)4. requires an ETC to certify that it will advertise the availability of its supported service and its price. It also requires the ETC to explain how it intends to advertise and specifically requires the ETC to explain how it will target direct mailings to eligible customers. AT&T Missouri is concerned that while the proposed rule is intended to track the corresponding FCC rule, it varies slightly from that rule. AT&T Missouri proposes alternative language that more closely corresponds to the FCC's rule and also proposes to delete a sentence dealing with direct mail advertising.

RESPONSE AND EXPLANATION OF CHANGE: The additional language AT&T Missouri proposes is helpful in making the commission's rule more closely track the FCC's rule. However, the commission's rule was intended to go beyond the FCC's rule to require an explanation from the ETC about how it will target its direct mailing to customers who are likely to qualify. That is important to avoid sending such direct mail campaigns to customers who are unlikely to qualify for the programs. The commission will incorporate AT&T Missouri's additional language, without deleting the sentence in the rule regarding direct mail advertising.

COMMENT #9: Paragraph (1)(B)5. requires the ETC to certify that it will comply with the applicable service requirements in 47 CFR 54.201(d)(2). AT&T Missouri contends the correct reference to the federal regulation should be to subsection (d)(1), which deals with service requirements, not subsection (d)(2), which deals with advertising of the available services. Staff suggests that to avoid confusion, the reference be broadened to section 201.

RESPONSE AND EXPLANATION OF CHANGE: The commission thanks AT&T Missouri for pointing out the incorrect reference. The commission will incorporate staff's suggestion and broaden the reference to section 201.

COMMENT #10: Paragraph (1)(B)11. requires an ETC to commit to maintain a record of customer complaints and to make those complaint records available to the commission's staff upon request. AT&T Missouri complains that this requirement would be very broad and burdensome because it would require the ETC to keep every single complaint and submit information to the state that is not required by the FCC. AT&T Missouri contends the information about complaints required by the FCC is shared with the commission and is sufficient. For that reason, AT&T Missouri asks the commission to delete this paragraph.

RESPONSE AND EXPLANATION OF CHANGE: The commission understands AT&T Missouri's concerns and does not wish to unduly burden ETCs that operate in more than one (1) state by imposing unnecessary Missouri specific requirements that go beyond the similar requirements imposed by the FCC. The commission will delete this paragraph and will renumber subsequent paragraphs accordingly.

COMMENT #11: Paragraph (1)(B)14. requires an ETC to describe, how, if at all, it will provide access to directory assistance, operator, and interexchange service. AT&T Missouri asks the commission to delete this paragraph because the FCC and this commission no longer require ETCs to offer those three (3) services to qualify for ETC status.

RESPONSE: Even though ETCs are no longer required to offer these services, they still may choose to do so. The regulation does not require the ETCs to offer these services, it just requires them to describe how they will do so if they decide to offer them. It is reasonable for the rule to require that information and the commission will not delete the paragraph.

COMMENT #12: Subsection (1)(C) requires an applicant for ETC status to disclose extensive information about disciplinary actions taken or pending against the applicant and affiliated companies and individuals. AT&T Missouri complains that these requirements go far beyond the requirements of the FCC's regulations and argues that applicants for ETC status should not be subjected to such broad and free-ranging information collection and reporting requirements in the absence of some cause for concern. AT&T Missouri suggests that if the commission has reason to be concerned about some particular applicant it can investigate more thoroughly through the use of data requests or other discovery tools.

RESPONSE: The commission seeks the information that this subsection requires to be disclosed because experience has shown that it is possible for a company that has run into trouble in other jurisdictions to create a new corporate shell and move onto the next state in line while continuing to abuse the universal service programs. Unless the commission's staff is made aware of a company's history, it cannot hope to protect the Missouri programs against those companies and individuals who have shown a willingness to abuse the programs. The commission will not delete subsection (1)(C).

COMMENT #13: Paragraph (1)(D)7. requires carriers applying for ETC status to commit to use only a commission-approved application form. AT&T Missouri argues ETCs should be allowed the flexibility to use forms of their own design so long as those forms comply with

requirements established by the FCC. Staff believes that a board-approved form is preferable, but offers alternative language if the commission decides otherwise. Staff's alternative would merely require the company to submit a copy of the form they would be using and would not require a commitment from the company to use a particular form.

RESPONSE AND EXPLANATION OF CHANGE: The commission generally agrees with AT&T Missouri. It is appropriate to allow ETCs the flexibility to design and use forms of their own choosing so long as those forms comply with FCC and commission requirements. Staff proposed alternative language that recognizes the ability of ETCs to design their own appropriate form. The commission will adopt the alternative language proposed by staff.

COMMENT #14: AT&T Missouri contends subparagraph (1)(D)9.B. attempts to track the FCC's rule on de-enrollment for non-usage but does not accurately convey the contents of that rule. AT&T Missouri suggests the commission's rule should simply reference the applicable federal rule. Staff agrees with AT&T Missouri's suggestions.

RESPONSE AND EXPLANATION OF CHANGE: The commission will adopt the change proposed by AT&T Missouri.

COMMENT #15: AT&T Missouri suggests that subsection (1)(F) be modified to clarify that an applicant seeking designation solely for deploying or operating services pursuant to the Connect America Fund or the CAF Mobility Fund is not required to provide the detailed plans required by the paragraphs of that subsection. AT&T Missouri explains that the details required by the subsection are irrelevant to Connect America Fund applications which are aimed at deploying broadband services.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with AT&T Missouri and will adopt the revised language it proposes.

COMMENT #16: Paragraph (1)(F)6. requires an applicant for ETC designation for high-cost support to provide a detailed description of how it intends to monitor the quality of service it provides. AT&T Missouri challenges that requirement, arguing that the FCC does not include quality of service standards as part of federal eligibility qualifications for high-cost ETC designation and further, the Missouri legislature has removed the commission's authority over the quality of service provided by competitive telecommunications companies. AT&T Missouri contends the commission should not attempt to re-impose quality of service standards through the back door offered by ETC designation.

RESPONSE AND EXPLANATION OF CHANGE: Even though the commission's authority to regulate regarding service quality issues for competitive companies is now limited, the commission still has an obligation to ensure that universal service funds are provided to companies that are serious about providing a high level of customer service. The commission will not delete paragraph (1)(F)6., but will modify that paragraph to clarify that applicants are not required to monitor their quality of service, but rather, if applicants monitor their quality of service they must describe how they perform such monitoring.

COMMENT #17: AT&T Missouri objects to section (2) and all its subsections (A) through (O). AT&T Missouri argues that this entire section would impose state requirements on ETCs that differ from the national framework for ETC requirements established in federal regulations by the FCC. AT&T Missouri contends such state requirements would impose additional burdens on ETCs without corresponding benefit. It also warns that ETC's offering services in multiple states will tend to funnel their support to states that do not impose burdensome state-specific requirements on those ETC.

RESPONSE: The commission has an obligation under state and federal law to ensure that ETCs operate honestly and efficiently. The

requirements imposed by section (2) are necessary to accomplish that goal. The commission will not delete section (2).

COMMENT #18: If the commission chooses not to eliminate section (2) entirely, AT&T Missouri also challenges several subsections of that section. Subsection (2)(C) requires an ETC to make voice telephony service available to all subscribers in the ETC's service area upon reasonable request. AT&T Missouri points out that the FCC's rules no longer require an ETC to provide service to all subscribers in its service area. Instead, the federal regulation now requires the ETC applicant to certify that it will comply with the service requirements applicable to the support it receives. That distinction is important because the service obligations now differ if the ETC is seeking funding under the FCC's *Connect America Fund Order*.

Staff also recognizes the problem with this subsection. It proposes to correct the problem by limiting the service requirement to those ETCs receiving universal service funding for the provision of voice telephony or Lifeline services, thereby exempting funding under the *Connect America Fund Order*.

RESPONSE AND EXPLANATION OF CHANGE: The commission will amend subsection (2)(C) by revising the subsection in the manner proposed by staff, with some modifications to make it clear that the ETCs are not required to provide wireless service and that this requirement does not apply to IVoIP providers.

COMMENT #19: In reviewing subsection (2)(E), the commission notes that it requires compliance with "these rules." That is an inexact term and should be replaced with the more exact "this chapter."

RESPONSE AND EXPLANATION OF CHANGE: The commission will make that change.

COMMENT #20: Subsection (2)(H) requires an ETC to maintain an intrastate tariff, wireless information filing or publicly available website to display all rates, terms, conditions, or other provisions regarding the company's voice telephony services. AT&T Missouri argues this provision exceeds the commission's authority under state law in that telecommunications companies are only required to publish their prices on a website, not other terms or conditions. The commission has even less authority over IVoIP service providers. For that reason, AT&T Missouri urges the commission to delete this subsection.

RESPONSE AND EXPLANATION OF CHANGE: The commission disagrees with AT&T Missouri. The requirement that an ETC at least maintain a website describing the prices it offers is not burdensome and provides customers with a means of comparing services between providers. The commission will not delete subsection (2)(H), but will modify the rule to clarify that ETCs are required to post only prices and not the terms, conditions, or other provisions of the services they offer. The commission will also clarify that this provision does not apply to IVoIP providers.

COMMENT #21: Subsection (2)(J) requires an ETC to notify the commission's staff of any proceeding initiated against the company by federal or state authorities alleging that the company has violated any state or federal universal service program requirement. AT&T Missouri argues this provision exceeds the commission's authority to make reasonable inquiry into the operations of ETC and urges the commission to delete the subsection.

RESPONSE AND EXPLANATION OF CHANGE: The commission seeks the information that this subsection requires to be disclosed because it may only become aware of problems at a company when federal authorities or authorities from another state take action against that company. Unless the commission's staff is made aware of enforcement actions by other authorities against a company, it cannot hope to protect the Missouri programs against those companies and individuals who have shown a willingness to abuse the programs. The commission will not delete subsection (2)(J), but will clarify that this provision does not apply to IVoIP providers.

COMMENT #22: Subsection (2)(M) requires an ETC to cooperate and comply with periodic audits and requests for information by the commission's staff to monitor compliance with this chapter. AT&T Missouri would limit that requirement to compliance with the MoUSF requirements of the chapter, arguing that ETCs are already subject to significant audit requirements at the federal level.

RESPONSE: This subsection does not attempt to create any new audit authority for the commission. Rather, it requires an ETC to cooperate and comply with such audits and requests for information designed to monitor compliance with this chapter of the commission's rules. AT&T Missouri's proposed modification would limit the commission's authority to monitor compliance with some of the provisions of this chapter. The commission must have the ability to monitor compliance with all provisions of its rule. The commission will not make the change proposed by AT&T Missouri.

COMMENT #23: Section (3) establishes annual filing requirements for ETCs. CenturyLink argues that because the FCC already requires companies to annually certify their compliance with Lifeline program requirements, similar requirements by the commission at the state level are redundant. For that reason, CenturyLink proposes to eliminate subparagraphs (3)(A)1.A., B., C., D., E., F., and G., as well as paragraph (3)(A)4. from this rule. The commission's staff agrees that paragraph (3)(A)4. is redundant and should be eliminated from the rule.

RESPONSE AND EXPLANATION OF CHANGE: The commission is required to annually certify ETCs in this state for continued participation. It is reasonable for the commission to collect the information necessary to make that determination. The commission will not eliminate subparagraphs (3)(A)1.A., B., C., D., E., F., and G., as requested by CenturyLink. The commission will eliminate paragraph (3)(A)4. as recommended by its staff. Other paragraphs will be renumbered accordingly.

COMMENT #24: Subparagraph (3)(A)1.B. requires all Lifeline ETCs to annually certify compliance with all Missouri Lifeline program and Disabled program procedures. AT&T Missouri points out that not all ETCs participate in the MoUSF supported Lifeline and Disabled programs. For that reason AT&T Missouri would add the modifier "applicable" to subparagraph (3)(A)1.B.

RESPONSE AND EXPLANATION OF CHANGE: AT&T Missouri's proposed modification is appropriate. The commission will make that change.

COMMENT #25: Subparagraph (3)(A)1.C. requires all Lifeline ETCs to annually certify that they are using an application form approved by the board. As previously discussed, several commenters oppose the requirement to use a specific application form approved by the board.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees it is appropriate to allow ETCs the flexibility to design and use forms of their own choosing so long as those forms comply with FCC and commission requirements. AT&T Missouri proposes alternative language for this subsection but staff suggests the subsection be entirely eliminated if use of a mandated form is not required. Instead, staff would create a new paragraph (3)(A)8. that would require the ETC to submit a copy of the form it uses in Missouri. The commission will eliminate subparagraph (3)(A)1.C., renumber the subsequent subparagraphs, and insert a new paragraph (3)(A)8.

COMMENT #26: Paragraph (3)(A)2. requires all ETCs to state whether they offer access to interexchange, directory assistance, and operator services. AT&T Missouri and STCG ask the commission to delete this paragraph because the FCC and this commission no longer require ETCs to offer those three (3) services to qualify for ETC status.

RESPONSE: Even though ETCs are no longer required to offer these services, they still may choose to do so. The regulation does not

require the ETCs to offer these services, it just requires them to indicate whether they do offer them. It is reasonable for the rule to require that information and the commission will not delete the paragraph.

COMMENT #27: Paragraph (3)(A)5. and its subparagraphs require ETCs to disclose details about the number of subscribers they serve. Several commenters addressed aspects of this subsection. First, staff recommends that part (3)(A)5.C.(I) be eliminated as redundant of federal requirements. CenturyLink and AT&T Missouri would go further contending that all additional subscriber reports required by paragraph (3)(A)5. are redundant of federal requirements, they urge the commission to eliminate that paragraph.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with CenturyLink and AT&T Missouri. There is no need to duplicate the filing requirements imposed by federal regulations. The commission will eliminate paragraph (3)(A)5. in its entirety and will renumber subsequent paragraphs accordingly.

COMMENT #28: Staff suggests that paragraphs (3)(A)6. and (3)(A)7. are unnecessary and should be eliminated. Staff proposes to replace these paragraphs with a new subparagraph (3)(A)1.H. by which the ETC would certify compliance with the requirements of subsections (2)(J) and (K). AT&T Missouri agrees that paragraph (3)(A)7. should be eliminated and proposes alternative language for paragraph (3)(A)6. to confine its scope.

RESPONSE AND EXPLANATION OF CHANGE: The commission will eliminate paragraphs (3)(A)6. and (3)(A)7. as proposed by staff and replace them with a new subparagraph (3)(A)1.H.

COMMENT #29: Subsection (3)(B) requires an ETC receiving high-cost support to submit a variety of additional information each year to the commission for consideration when the commission is deciding whether to recertify the company as an ETC for the next year. The STCG contends the commission should modify this subsection in light of recently promulgated federal reporting requirements. Essentially, the STCG would have the commission eliminate the substantive informational requirements of its regulation and instead have the ETCs file a copy of the report they are required to file with the FCC.

RESPONSE: The commission is not persuaded by the STCG's argument. It is reasonable for the commission to require ETCs to submit additional information for the commission's consideration apart from information that is submitted under federal regulation. The commission will not make the change proposed by the STCG.

COMMENT #30: Paragraph (3)(B)3. requires an ETC receiving high-cost support to explain how the company monitors the quality of service it provides for voice telephony services. Staff suggests this paragraph be modified by replacing "voice telephony services" with "its supported services." Staff explains this change will allow it to learn whether an ETC that is receiving only high-cost support for provisioning of broadband service is monitoring the quality of service it is providing.

AT&T Missouri also addresses paragraph (3)(B)3., arguing that the commission has no authority to regulate the quality of service provided by ETCs. In the alternative, AT&T Missouri suggests the section be modified to exclude ETCs that receive only high-cost support for provisioning of broadband service from the requirements of the subsection.

RESPONSE AND EXPLANATION OF CHANGE: The commission generally agrees with staff. The paragraph does not require an ETC to monitor the quality of service it provides, but it is important to know whether an ETC is monitoring that quality of service. The commission will modify the paragraph to clarify that requirement.

COMMENT #31: The STCG is concerned about subsection (3)(C). That subsection states that an ETC submitting information to the

commission under section (3) may ensure confidentiality by classifying the filing as confidential. The STCG proposes that the subsection be changed to provide that such filing will be automatically deemed confidential and treated accordingly.

RESPONSE AND EXPLANATION OF CHANGE: The commission is persuaded by the STCG's argument. All such filings should be treated as confidential without any special request by the company. The commission will modify the subsection accordingly.

COMMENT #32: Subsection (4)(A) requires ETCs to comply with applicable laws, regulations, and procedures of the federal government as well as other states in which they have ETC status. AT&T Missouri asks that this subsection be stricken as being beyond the authority of the commission.

RESPONSE AND EXPLANATION OF CHANGE: The commission cannot enforce the laws and regulations of the FCC, but it can certainly expect ETCs to comply with those laws and regulations. The commission will not delete subsection (4)(A), but will remove references to the laws of other states.

COMMENT #33: Cricket comments that it strongly supports subsection (4)(D), which allows the commission to grant waivers from any provision of these rules.

RESPONSE: The commission thanks Cricket for its comment.

4 CSR 240-31.130 Eligible Telecommunications Carrier Requirements

(1) Application requirements for Eligible Telecommunications Carrier (ETC) designation.

(B) All ETC applications shall contain the following information regarding the company's proposed provisioning of voice telephony service:

1. A description of the service the applicant will offer;
2. An identification of the applicant's proposed service area;
3. An explanation of how the applicant will offer services using its own facilities or a combination of its own facilities and resale of another carrier's services, including a description of the applicant's own facilities as that term is defined in 47 CFR 54.201. If an applicant is seeking ETC designation solely for Lifeline purposes and does not comply with the own-facilities requirement, the applicant shall provide:
 - A. A statement confirming that subscribers will have 911 and E911 access; and
 - B. A copy of the applicant's Federal Communications Commission (FCC) -approved compliance plan. Unless otherwise specified by the FCC, an applicant's compliance plan shall adequately address the information specified in the FCC's Public Notice DA 12-314 released February 29, 2012 for WC Docket Nos. 09-197, 11-42;
4. A statement certifying the applicant will advertise the availability of its supported service and its price, using media of general distribution. The applicant shall also provide an explanation of how the applicant will advertise. The availability of Lifeline service shall be publicized in a manner reasonably designed to reach those likely to qualify for the service. If an applicant intends to advertise its service by direct mail then the company shall explain how it will target those mailings to consumers reasonably likely to qualify for the service. An applicant shall provide examples of advertising, including direct mail advertising, when available.
5. A certification that the applicant will comply with the applicable service requirements in 47 CFR 54.201;
6. A demonstration of the applicant's ability to remain functional in emergency situations, including a description of available back-up power, and a description of how the applicant will reroute traffic around damaged facilities and how it will manage traffic spikes resulting from emergency situations;

7. A statement that the applicant will satisfy applicable consumer protection, consumer privacy, and service quality standards. This statement shall include a list of those specific standards the applicant deems applicable. A wireless applicant shall include a statement that it will comply with the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service;

8. A description of all rates, terms, conditions, and provisions applicable to the proposed voice telephony service to be supported, in whole or part, as Lifeline or Disabled service, including any overage or additional minute charges. The applicant shall state whether this information will be maintained in a tariff or wireless informational filing with the commission, or on a publicly available website;

9. An explanation of how the applicant intends to provide service throughout the proposed service area, including areas where the applicant lacks facilities or network coverage;

10. A description of how the applicant will ensure service will be provided in a timely manner to requesting customers;

11. A commitment to remit required, collected 911 revenues to local authorities;

12. A demonstration that the applicant is financially viable and technically capable of providing voice telephony service; and

13. A description of how, if at all, the applicant will provide access to directory assistance services, operator services, and interexchange services.

(D) All ETC applications shall contain the following information and commitments regarding the applicant's proposed participation in the Lifeline or Disabled program:

1. Certification that all funding will flow through to the subscriber of the applicable program;

2. A commitment that the applicant will solely conduct business using the name or "DBA" under which the commission granted ETC designation. This commitment shall also include a statement the applicant will not use additional service or brand names;

3. A commitment that the applicant will comply with all requirements associated with the Lifeline program contained in 47 CFR Part 54 Subpart E;

4. A commitment that the applicant will comply with all requirements contained in this chapter, whether funded solely through the FUSF or through the FUSF and the Missouri Universal Service Fund (MoUSF);

5. A statement indicating whether the applicant intends to seek support from the MoUSF. If so, the applicant shall state whether it intends to participate in the Disabled program;

6. A demonstration of how the applicant will ensure that the full amount of Lifeline or Disabled support will be passed through to the qualifying low-income consumer;

7. A copy of the Lifeline and/or Disabled Application form(s) to be used by the applicant.

8. An explanation of how the applicant will initiate Lifeline or Disabled service to a subscriber, including:

A. How it will ensure a subscriber meets eligibility requirements;

B. How it will determine if a subscriber's identity and primary address are correct; and

C. How it will ensure that only one (1) Lifeline or Disabled discount is received per household;

9. If the applicant does not assess or collect a monthly fee for Lifeline service, it shall explain how it will comply with the following requirements:

A. The applicant will not receive universal service support until the subscriber activates the service; and

B. De-enrollment for non-usage as provided in 47 CFR 54.405(e)(3).

10. An explanation of how the applicant intends to annually verify a customer's continued eligibility for the Lifeline or Disabled program, including what action will be taken if a subscriber fails to adequately respond or is no longer eligible for support; and

11. A statement indicating whether the applicant intends to use

agents or independent contractors who are not employees of the applicant to sign-up subscribers to the Lifeline or Disabled program. If non-employees are going to be used then the applicant shall supplement this statement by committing to take responsibility for them and their activities as if they were legally employees of the applicant. In addition, the applicant shall explain how it will monitor such personnel to ensure compliance with all applicable laws and rules concerning the Lifeline or Disabled programs.

(F) Any application seeking ETC designation for the intended purpose of receiving federal high-cost support, excluding applications for designation solely for the purpose of deploying or operating services pursuant to either the Connect America Fund or the CAF Mobility Fund established by the FCC's *Connect America Fund Order*, 26 FCC Rcd. 17663 (2011), shall provide the following additional information:

1. A statement that the applicant will comply with all requirements of 47 CFR Part 54 Subpart C;

2. An explanation of how granting ETC status is in the public interest;

3. A five- (5-) year plan describing specific proposed improvements or upgrades to the applicant's network throughout its proposed service area. This plan shall include a description of the intended use of the high-cost support, including detailed descriptions of any construction plans with start and end dates, populations affected by construction plans, existing tower site locations for wireless cell towers, and estimated budget amounts. The plan shall demonstrate that universal service support shall be used to improve coverage, service quality, or capacity throughout the Missouri service area for which the requesting carrier seeks ETC designation including:

A. A detailed map of coverage area before and after improvements and in the case of wireless providers, a map identifying existing cell tower site locations;

B. The specific geographic areas where improvements will be made;

C. The projected start date and completion date for each improvement;

D. The estimated amount of investment for each project that is funded by high-cost support;

E. The estimated population that will be served as a result of the improvements;

F. If an applicant believes that service improvements in a particular wire center or census block are not needed, an explanation of its basis for this determination and a demonstration of how funding will otherwise be used to further the provision of supported services in that area; and

G. A statement as to how the proposed plans would not otherwise occur absent the receipt of high-cost support, and that such support will be used in addition to any expenses the ETC would normally incur;

4. A reasonable plan outlining the method for handling unusual construction or installation charges;

5. A statement that the applicant will use the support only for the provision, maintenance, and upgrading of facilities and services for which the support is intended; and

6. A description of how the applicant intends to monitor, if at all, the company's quality of service. This description includes, but is not limited to monitoring:

A. The timeliness of providing service;

B. The timeliness of restoring out-of-service conditions;

C. The amount of trouble experienced with the applicant's service; and

D. The amount of outages experienced with the applicant's service.

(2) ETC Requirements:

(C) If an ETC, other than a provider of IVoIP service, offers voice telephony service, then that ETC shall make such service available to all subscribers in the ETC's service area upon reasonable request.

(E) Any ETC participating in the federal high-cost support program shall comply with all requirements identified in 47 CFR Part 54 Subpart D and this chapter;

(H) An ETC, other than a provider of IVoIP service, shall maintain an intrastate tariff, wireless informational filing or a publicly available website to display all rates concerning the company's voice telephony services;

(J) An ETC, other than a provider of IVoIP service, shall notify the manager of the commission's Telecommunications Unit of any proceeding initiated by a state or federal regulatory authority alleging the ETC or any person or entity identified in subsection (1)(C) above is violating any state or federal universal service program requirements. Such notice shall also be required if any allegations of fraud, tax evasion, or the commitment of a felony by the ETC or such person or entity are made. Notice shall be made within thirty (30) days of the initiation of the proceeding and shall be in written format either via letter or electronic means. This notice shall explain the allegations, cite the proceeding, and provide contact information for subsequent questions about the proceeding. If possible, the notice shall also provide an electronic link or electronic access to any public documents associated with the proceeding. The ETC shall subsequently forward any final decisions regarding the proceeding made by any state or federal agency or court within thirty (30) days of releasing the decision;

(3) Annual Filing Requirements for ETCs.

(A) In order for an ETC to continue to receive Lifeline support for the following calendar year, all ETCs, including an ETC solely receiving Lifeline support, shall annually submit, no later than July 1 of each year the following information to the Missouri Commission's Electronic Filing and Information System:

1. A certification by an officer of the company, under penalty of perjury, that:

A. The company complies with each of the annual certification requirements identified in 47 CFR 54.416(a);

B. The company complies with all applicable Missouri Lifeline and Disabled program procedures as identified in 4 CSR 240-31.120;

C. The company complies with all requirements associated with the National Lifeline Accountability Database as identified in 47 CFR 54.404 when implemented;

D. The company's Lifeline service continues to meet the criteria set forth in 47 CFR 54.401;

E. For any company not assessing or collecting a monthly fee from its Lifeline subscribers, the company complies with the service activation and service de-enrollment requirements identified in 47 CFR 54.407(c) and 47 CFR 54.05(e)(3), respectively; and

F. The company's Missouri operations solely use the name of the company as recognized by the commission for ETC designation in all marketing and other USF-related materials including filings with the FUSFA and the FCC;

G. The company has complied with the notification requirements of 4 CSR 240-31.130(2)(J) and (K).

2. A statement indicating whether the company offers access to interexchange services, directory assistance services, and operator services.

3. A copy of the annual report required by 47 CFR 54.422;

4. If an ETC provides Lifeline discounted wholesale services to a reseller then the ETC shall identify the reseller;

5. The electronic address of any web site(s) whereby the company maintains information regarding the company's Lifeline service offering; and

6. A copy of the Lifeline and/or Disabled Application form(s) the ETC uses in Missouri.

(B) All ETCs receiving high-cost support shall submit, no later than July 1 of each year in order for an ETC to continue to receive high-cost support for the following calendar year, the following addi-

tional information with the company's annual filing to the commission's Electronic Filing and Information System:

1. An officer of the company shall certify under penalty of perjury that:

A. 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;

B. Wireless ETCs must also certify continued compliance with the latest edition of the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service; and

C. The company is able to function in emergency situations as contemplated by 47 CFR 54.202(a)(2).

2. A copy of the company's annual reporting information as required by 47 CFR 54.313.

3. An explanation of how the company monitors, if at all, the quality of service provided by the company for its supported service(s). This explanation includes whether the company monitors the timeliness of providing service and remedying out-of-service conditions.

4. Identify the applicable study area code(s) of the company's high-cost service area in Missouri.

(C) Filings by an ETC pursuant to this section shall be confidential.

(4) ETC Compliance.

(A) ETCs shall maintain full compliance with all ETC requirements identified in this chapter and in 47 CFR 54.

**Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 10—Division of Employment Security
Chapter 3—Unemployment Insurance**

ORDER OF RULEMAKING

By the authority vested in the Division of Employment Security under section 288.220, RSMo 2000, the division amends a rule as follows:

8 CSR 10-3.085 Charging of Benefits to Reimbursable Employers is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2013 (38 MoReg 1876-1877). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 41—General Tax Provisions**

ORDER OF RULEMAKING

By the authority vested in the acting director of revenue under section 32.065, RSMo 2000, the director amends a rule as follows:

12 CSR 10-41.010 Annual Adjusted Rate of Interest is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 2,

2013 (38 MoReg 2022–2024). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 3—Conditions of Provider Participation,
Reimbursement and Procedure of General Applicability**

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under sections 208.153 and 208.201, RSMo Supp. 2013, the division amends a rule as follows:

13 CSR 70-3.030 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2013 (38 MoReg 1617–1618). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The MO HealthNet Division received one (1) comment in support of the changes and request for additional changes.

COMMENT #1: Brent McGinty, with the Missouri Coalition of Community Mental Health Centers, requested that contemporaneous means at the time the service was performed or within five (5) business days, of the time the service was provided.

RESPONSE AND EXPLANATION OF CHANGE: Subsection (2)(D) will be changed to five (5) business days.

13 CSR 70-3.030 Sanctions for False or Fraudulent Claims for MO HealthNet Services

(2) The following definitions will be used in administering this rule:
(D) Contemporaneous means at the time the service was performed or within five (5) business days, of the time the service was provided;

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 98—Behavioral Health Services**

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under sections 208.153 and 208.201, RSMo Supp. 2013, the division amends a rule as follows:

**13 CSR 70-98.020 Prior Authorization Process for
Non-Pharmaceutical Behavioral Health Services
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2013 (38 MoReg 1884–1885). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 400—Life, Annuities and Health
Chapter 5—Advertising and Material Disclosures**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045.1(2), RSMo Supp. 2013, and section 376.756, RSMo 2000, the director amends a rule as follows:

**20 CSR 400-5.600 Missouri Life and Health Insurance Guaranty
Association is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 15, 2013 (38 MoReg 1885–1889). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2063—Behavior Analyst Advisory Board
Chapter 6—Standards of Practice**

ORDER OF RULEMAKING

By the authority vested in the Behavior Analyst Advisory Board under section 337.310.2, RSMo Supp. 2013, the board adopts a rule as follows:

20 CSR 2063-6.005 Ethical Rules of Conduct is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 15, 2013 (38 MoReg 1631–1637). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received one (1) comment on the proposed rule.

COMMENT: A licensed Behavior Analyst, Lisa Gilbertsen, submitted a comment in favor of the rule but did express concern that these rules are somewhat redundant with the guidelines established by the national Behavior Analyst Certification Board and suggested that the Behavior Analyst Advisory Board simply incorporate a statement that all licensed behavior analysts must adhere to those guidelines or suggested our rules should be in more detail.

RESPONSE: The board cannot adopt another organization's ethical guidelines. Additionally, board rules are not mere laundry lists of acceptable and unacceptable conduct. No changes have been made to the rule as a result of this comment.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and
Transportation Commission
Chapter 25—Motor Carrier Operations**

IN ADDITION

7 CSR 10-25.010 Skill Performance Evaluation Certificates for Commercial Drivers

PUBLIC NOTICE

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision

SUMMARY: This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce because of impaired vision or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

DATES: Comments must be received at the address stated below, on or before, May 1, 2014.

ADDRESSES: You may submit comments concerning an applicant, identified by the Application Number stated below, by any of the following methods:

- *Email:* kathy.hatfield@modot.mo.gov
- *Mail:* PO Box 893, Jefferson City, MO 65102-0893
- *Hand Delivery:* 1320 Creek Trail Drive, Jefferson City, MO 65109
- *Instructions:* All comments submitted must include the agency name and Application Number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection and MoDOT may publish those comments by any available means.

**COMMENTS RECEIVED
BECOME MoDOT PUBLIC RECORD**

- By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
- *Docket:* For access to the department's file, to read background documents or comments received, 1320 Creek Trail Drive, Jefferson City, MO 65109, between 7:30 a.m. and 4:00 p.m., CT, Monday through Friday, except state holidays.

FOR FURTHER INFORMATION CONTACT: Kathy J. Hatfield, Motor Carrier Investigations Specialist, (573) 526-9926, MoDOT Motor Carrier Services Division, PO Box 893, Jefferson City, MO 65102-0893. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

SUPPLEMENTARY INFORMATION:

Public Participation

If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

Background

The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, RSMo Supp. 2013, MoDOT may issue a SPE Certificate, for not more than a two- (2-) year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing a SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application #120

Applicant's Name & Age: Lonnell Keith McKee, 46

Relevant Physical Condition: Insulin-Treated Diabetes Mellitus.

Mr. McKee has corrected visual acuity of 20/20 Snellen in each eye and corrected 20/25 Snellen in both eyes. He has been ITDM since July 2000, with no glycemic reaction within the past five (5) years.

Relevant Driving Experience: Mr. McKee has approximately two and one half (2 ½) years commercial motor vehicle driving experience. Mr. McKee is currently employed for a company located in Kansas City, KS and drives a frozen food delivery truck in Missouri intrastate commerce only. In addition, he has experience driving personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination, in December 2013, a board-certified endocrinologist certified his condition would not adversely affect his ability to operate a commercial motor vehicle safely.

Traffic Accidents and Violations: Mr. McKee has had no violation or accidents for the previous three (3) years.

Request for Comments

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: February 3, 2014

Scott Marion, Motor Carrier Services Director, Missouri Department of Transportation.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and
Transportation Commission
Chapter 25—Motor Carrier Operations**

IN ADDITION

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The individuals listed in this notice have recently filed applications

requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, RSMo Supp. 2013, MoDOT may issue a SPE Certificate, for not more than a two- (2-) year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing a SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application #182

Applicant's Name & Age: Neil Edward Simmons, 54

Relevant Physical Condition: Insulin-Treated Diabetes Mellitus. Mr. Simmons has uncorrected visual acuity of 20/25 Snellen in each eye and uncorrected 20/25 Snellen in both eyes. He has been ITDM since 1995, with no glycemic reaction within the past five (5) years.

Relevant Driving Experience: Mr. Simmons has approximately thirty-two (32) years commercial motor vehicle driving experience. Mr. Simmons is currently employed for a construction company located in St Louis, MO and drives a dump truck in Missouri intrastate commerce only. In addition, he has experience driving personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination, in January 2014, a board-certified endocrinologist certified his condition would not adversely affect his ability to operate a commercial motor vehicle safely.

Traffic Accidents and Violations: Mr. Simmons has had no violation or accidents for the previous three (3) years.

Request for Comments

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: February 3, 2014

Scott Marion, Motor Carrier Services Director, Missouri Department of Transportation.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

IN ADDITION

Pursuant to section 376.1224, RSMo, regarding the maximum prescribed insurance benefit for the coverage of applied behavior analysis for the treatment of autism, the director of Insurance, Financial

Institutions and Professional Registration is required to calculate the new maximum each year to adjust for inflation.

Using Consumer Price Index (CPI) for All Urban Consumers, as required by section 376.1224, RSMo, the new maximum required benefit was established by the following calculations:

Index Based on 1984 Dollars

CPI for 2012:	229.594
CPI for 2013:	232.957

New ABA Mandated Maximum Benefit = 2013 Limit × (2013 Index/2012 Index)

$$\$42,117 \times (232.957/229.594) = \$42,734$$


Contractor Debarment List

ADDITION TO STATUTORY LIST OF CONTRACTORS BARRED FROM PUBLIC WORKS PROJECTS

The following is an addition to the list of contractor(s) who have been prosecuted and convicted of violating the Missouri Prevailing Wage Law, and whose Notice of Conviction has been filed with the Secretary of State pursuant to Section 290.330, RSMo. Under this statute, no public body is permitted to award a contract, directly or indirectly, for public works (1) to Troy Langley, (2) to any other contractor or subcontractor that is owned, operated or controlled by Mr. Troy Langley including Urban Metropolitan Development, LLC or (3) to any other simulation of Mr. Troy Langley or Urban Metropolitan Development for a period of one year, or until August 8, 2014.

<u>Name of Contractor</u>	<u>Name of Officers</u>	<u>Address</u>	<u>Date of Conviction</u>	<u>Debarment Period</u>
Troy Langley d/b/a Urban Metropolitan Development, LLC Case No. 12AO-CR01752 Jasper County Cir. Ct.		1101 Juniper St., Ste. 925 Atlanta, Georgia 30309	08/08/2013	08/08/2013-08/08/2014

Dated this 8 day of January, 2014.


John E. Lindsey, Division Director

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to dissolutions@sos.mo.gov.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
THOMAS E. LONG INVESTMENTS, LLC**

1. The name of the Limited Liability Company is Thomas E. Long Investments, LLC.
2. The Articles of Organization for the limited liability company were filed on the following date: 11/18/2002.
3. Persons with claims against the limited liability company should present them in accordance with the following procedure:
 - a. In order to file a claim against the limited liability company, you must furnish the following:
 - i. Amount of claim;
 - ii. Basis of the claim;
 - iii. Documentation of the Claim.
 - b. Claims must be mailed to:

David A. Vorbeck, Registered Agent, c/o Vorbeck Associates, LLC, 684 SE Bayberry Lane, Suite 101, Lee's Summit, Mo. 64063
4. A claim against the limited liability company will be barred unless a proceeding to enforce the claim is commenced within three years after publication of the notice.

**NOTICE OF WINDING UP TO ALL CREDITORS OF
AND CLAIMANTS AGAINST
FRAME STORE ACQUISITION CO., LLC**

Effective December 30, 2013, Frame Store Acquisition Co., LLC, a Missouri limited liability company (the "Company"), the principal office of which is located at 101 South Hanley, Suite 1250, Clayton, Missouri 63105, was voluntarily dissolved.

All claims against the Company should be presented in accordance with this notice. Claims should be in writing and sent to the Company at this mailing address: 101 South Hanley, Suite 1250, Clayton, Missouri 63105. The claim must contain: (1) the name, address and telephone number of the claimants; (2) the amount of the claim or other relief demanded; (3) the basis of the claim and any documents related to the claim; and (4) the date(s) as of which the event(s) on which the claim is based occurred. Any and all claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this notice.

NOTICE OF WINDING UP TO ALL CREDITORS OF AND CLAIMANTS AGAINST BROWN & DAVIS CONSTRUCTION, LLC, A MISSOURI LIMITED LIABILITY COMPANY (" Company").

On January 13, 2014, Brown & Davis Construction, LLC, Charter Number LC1165732, filed its Notice of Winding Up with the Missouri Secretary of State. Said Company requests that all persons and organizations who have claims against it present them immediately by letter to Danny Joe Brown, 14506 290th Street, Skidmore, MO 64487. All claims must include the following information: (1) The name and current address of the claimant. (2) The amount claimed. (3) A clear and concise statement of the facts supporting the claim. (4) The date the claim was incurred.

Note: Any claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this or any other notice authorized by statute, whichever is published last.

NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY TO ALL CREDITORS OF AND CLAIMANTS AGAINST GL3, LLC

On January 23, 2014, GL3, LLC, a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date.

All persons and organizations must submit to Company, c/o John M. Carnahan III, Carnahan, Evans, Cantwell & Brown, P.C., 2805 S. Ingram Mill, Springfield, Missouri 65804, a written summary of any claims against Company, including: 1) claimant's name, address and telephone number; 2) amount of claim; 3) date(s) claim accrued (or will accrue); 4) brief description of the nature of the debt or the basis for the claim; and 5) if the claim is secured, and if so, the collateral used as security.

Because of the dissolution, any claims against Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the last of filing or publication of this Notice.

NOTICE OF DISSOLUTION TO ALL CREDITORS OR AND CLAIMANTS AGAINST LESLIE J WILSON CPA PC

On January 27, 2014, Leslie J Wilson CPA PC, a Missouri corporation, filed Articles of Dissolution by Voluntary Action with the Missouri Secretary of State, to be effective December 7, 2013. All claims against Leslie J Wilson CPA PC should be presented in accordance with this notice. Written claims are to be addressed to Leslie Wilson P O Box 505, Stilwell, KS 66085. Each claim shall include a summary in writing of the circumstances surrounding your claim and the following: (1) the claimant's name, address and telephone number, (2) the amount of the claim, (3) the date on which the claim arose, (4) the basis of the claim and any documents related to the claim. Any and all claims against Leslie J Wilson CPA PC will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the publication date of this notice.

**NOTICE OF DISSOLUTION TO ALL CREDITORS OF
AND CLAIMANTS AGAINST
DOMUS COMMUNITIES, LLC**

Effective December 30, 2013, Domus Communities, LLC, a Delaware limited liability company (the "Company"), the principal office of which is located at 909 Walnut, Suite 200, Kansas City, Missouri 64106, was voluntarily dissolved.

All claims against the Company should be presented in accordance with this notice. Claims should be in writing and sent to the Company at this mailing address: 909 Walnut, Suite 200, Kansas City, Missouri 64106. The claim must contain: (1) the name, address and telephone number of the claimants; (2) the amount of the claim or other relief demanded; (3) the basis of the claim and any documents related to the claim; and (4) the date(s) as of which the event(s) on which the claim is based occurred. Any and all claims against the Company will be barred unless a proceeding to enforce the claim is commenced within ten years after the publication of this notice.

**NOTICE OF DISSOLUTION TO ALL CREDITORS OF
AND CLAIMANTS AGAINST
BI-STATE MEDICAL CONSULTANTS, INC.**

On January 31, 2014, Bi-State Medical Consultants, Inc., a Missouri corporation ("Corporation") agreed to dissolve and wind up the Corporation.

The Corporation requests that all persons and organizations who have claims against it present those claims immediately by letter to Jay A. Nathanson at Greensfelder, Hemker & Gale, P.C., 10 South Broadway, Suite 2000, St. Louis, Missouri 63102. All claims must include the name and address of the claimant, the amount claimed, the basis for the claim, the date(s) on which the event(s) on which the claim is based occurred, whether the claim was secured, and, if so, the collateral used as security.

NOTE: BECAUSE OF THE DISSOLUTION AND WINDING UP OF BI-STATE MEDICAL CONSULTANTS, INC., ANY CLAIMS AGAINST IT WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN TWO (2) YEARS AFTER MARCH 3, 2014.

Jay A. Nathanson, Authorized Representative

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—37 (2012) and 38 (2013). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
1 CSR 10	OFFICE OF ADMINISTRATION State Officials' Salary Compensation Schedule				37 MoReg 1859 38 MoReg 2053
1 CSR 10-7.010	Commissioner of Administration		38 MoReg 1738	39 MoReg 499	
1 CSR 20-5.015	Personnel Advisory Board and Division of Personnel		38 MoReg 1608	39 MoReg 499	
1 CSR 20-5.020	Personnel Advisory Board and Division of Personnel		38 MoReg 1608	39 MoReg 499	
DEPARTMENT OF AGRICULTURE					
2 CSR 30-2.020	Animal Health		38 MoReg 1360	39 MoReg 455W	
2 CSR 30-10.010	Animal Health		39 MoReg 68		
2 CSR 80-2.050	State Milk Board		38 MoReg 1363	39 MoReg 253	
2 CSR 80-5.010	State Milk Board		38 MoReg 1363	39 MoReg 253	
2 CSR 90-10	Weights and Measures				38 MoReg 124I
DEPARTMENT OF CONSERVATION					
3 CSR 10-3.010	Conservation Commission		38 MoReg 1742	39 MoReg 253	
3 CSR 10-4.130	Conservation Commission		38 MoReg 1742	39 MoReg 253	
3 CSR 10-5.430	Conservation Commission		38 MoReg 1742	39 MoReg 253	
3 CSR 10-6.510	Conservation Commission		38 MoReg 1742	39 MoReg 254	
3 CSR 10-6.545	Conservation Commission		38 MoReg 1743	39 MoReg 255	
3 CSR 10-6.550	Conservation Commission		38 MoReg 1743	39 MoReg 255	
3 CSR 10-7.410	Conservation Commission		38 MoReg 1744	39 MoReg 255	
3 CSR 10-7.431	Conservation Commission		38 MoReg 1744	39 MoReg 255	
3 CSR 10-7.433	Conservation Commission		38 MoReg 1744	39 MoReg 255	
3 CSR 10-7.440	Conservation Commission		38 MoReg 1745	39 MoReg 255	
3 CSR 10-7.455	Conservation Commission				39 MoReg 403
3 CSR 10-9.105	Conservation Commission		38 MoReg 1745	39 MoReg 256	
3 CSR 10-9.110	Conservation Commission		38 MoReg 1747	39 MoReg 256	
3 CSR 10-9.442	Conservation Commission		38 MoReg 1750	39 MoReg 256	
3 CSR 10-10.705	Conservation Commission		38 MoReg 1750	39 MoReg 256	
3 CSR 10-10.744	Conservation Commission		38 MoReg 1752	39 MoReg 256	
3 CSR 10-11.130	Conservation Commission		38 MoReg 1752	39 MoReg 256	
3 CSR 10-11.180	Conservation Commission		38 MoReg 1752	39 MoReg 257	
3 CSR 10-11.184	Conservation Commission		38 MoReg 1753	39 MoReg 257	
3 CSR 10-11.185	Conservation Commission		38 MoReg 1753	39 MoReg 257	
3 CSR 10-11.205	Conservation Commission		38 MoReg 1754	39 MoReg 257	
3 CSR 10-12.110	Conservation Commission		38 MoReg 1754	39 MoReg 257	
3 CSR 10-12.115	Conservation Commission		38 MoReg 1755	39 MoReg 257	
3 CSR 10-12.125	Conservation Commission		38 MoReg 1756	39 MoReg 258	
3 CSR 10-12.135	Conservation Commission		38 MoReg 1756	39 MoReg 258	
3 CSR 10-12.140	Conservation Commission		38 MoReg 1757	39 MoReg 258	
3 CSR 10-12.145	Conservation Commission		38 MoReg 1757	39 MoReg 258	
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 85-8.010	Division of Business and Community Services	38 MoReg 1925 39 MoReg 489T			
4 CSR 85-8.011	Division of Business and Community Services		This Issue		
4 CSR 85-8.020	Division of Business and Community Services	38 MoReg 1934 39 MoReg 489T			
4 CSR 85-8.021	Division of Business and Community Services		This Issue		
4 CSR 85-8.030	Division of Business and Community Services	38 MoReg 1934 39 MoReg 489T			
4 CSR 85-9.010	Division of Business and Community Services	38 MoReg 1935 39 MoReg 489T			
4 CSR 85-9.011	Division of Business and Community Services		This Issue		
4 CSR 85-9.020	Division of Business and Community Services	38 MoReg 1936 39 MoReg 489T			
4 CSR 85-9.021	Division of Business and Community Services		This Issue		
4 CSR 85-9.030	Division of Business and Community Services	38 MoReg 1937 39 MoReg 490T			
4 CSR 85-9.031	Division of Business and Community Services		This Issue		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 85-9.035	Division of Business and Community Services		This Issue		
4 CSR 85-9.040	Division of Business and Community Services	38 MoReg 1947 39 MoReg 490T			
4 CSR 85-9.041	Division of Business and Community Services		This Issue		
4 CSR 85-9.050	Division of Business and Community Services	38 MoReg 1954 39 MoReg 490T			
4 CSR 85-9.051	Division of Business and Community Services		This Issue		
4 CSR 240-2.090	Public Service Commission		This Issue		
4 CSR 240-3.570	Public Service Commission		38 MoReg 1461R	This IssueR	
4 CSR 240-13.010	Public Service Commission		38 MoReg 1363	39 MoReg 499	
4 CSR 240-13.015	Public Service Commission		38 MoReg 1364	39 MoReg 500	
4 CSR 240-13.020	Public Service Commission		38 MoReg 1365	39 MoReg 502	
4 CSR 240-13.025	Public Service Commission		38 MoReg 1366	39 MoReg 503	
4 CSR 240-13.030	Public Service Commission		38 MoReg 1367	39 MoReg 504	
4 CSR 240-13.035	Public Service Commission		38 MoReg 1368	39 MoReg 506	
4 CSR 240-13.040	Public Service Commission		38 MoReg 1369	39 MoReg 507	
4 CSR 240-13.045	Public Service Commission		38 MoReg 1370	39 MoReg 508	
4 CSR 240-13.050	Public Service Commission		38 MoReg 1371	39 MoReg 508	
4 CSR 240-13.055	Public Service Commission		38 MoReg 1375	39 MoReg 511	
4 CSR 240-13.060	Public Service Commission		38 MoReg 1375	39 MoReg 512	
4 CSR 240-13.070	Public Service Commission		38 MoReg 1376	39 MoReg 513	
4 CSR 240-31.010	Public Service Commission		38 MoReg 1461	This Issue	
4 CSR 240-31.020	Public Service Commission		38 MoReg 1463	This Issue	
4 CSR 240-31.030	Public Service Commission		38 MoReg 1464	This Issue	
4 CSR 240-31.040	Public Service Commission		38 MoReg 1465R	This IssueW	
4 CSR 240-31.050	Public Service Commission		38 MoReg 1465R	This IssueR	
4 CSR 240-31.060	Public Service Commission		38 MoReg 1466	This Issue	
4 CSR 240-31.065	Public Service Commission		38 MoReg 1467R	This IssueR	
4 CSR 240-31.070	Public Service Commission		38 MoReg 1468R	This IssueR	
4 CSR 240-31.080	Public Service Commission		38 MoReg 1468R	This IssueR	
4 CSR 240-31.090	Public Service Commission		38 MoReg 1468	This Issue	
4 CSR 240-31.100	Public Service Commission		38 MoReg 1469R	This IssueW	
4 CSR 240-31.110	Public Service Commission		38 MoReg 1469	This Issue	
4 CSR 240-31.120	Public Service Commission		38 MoReg 1470	This Issue	
4 CSR 240-31.130	Public Service Commission		38 MoReg 1472	This Issue	
4 CSR 240-120.065	Public Service Commission		38 MoReg 1480	39 MoReg 513	
4 CSR 240-120.085	Public Service Commission		38 MoReg 1481	39 MoReg 515	
4 CSR 240-120.130	Public Service Commission		38 MoReg 1481	39 MoReg 516	
4 CSR 240-123.065	Public Service Commission		38 MoReg 1482	39 MoReg 517	
4 CSR 240-123.070	Public Service Commission		38 MoReg 1483	39 MoReg 519	
4 CSR 240-123.095	Public Service Commission		38 MoReg 1483	39 MoReg 520	
4 CSR 240-125.010	Public Service Commission		38 MoReg 1484	39 MoReg 520	
4 CSR 240-125.040	Public Service Commission		38 MoReg 1484	39 MoReg 521	
4 CSR 240-125.070	Public Service Commission		38 MoReg 1485	39 MoReg 523	
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 10-1.010	Commissioner of Education		38 MoReg 1527	39 MoReg 524	
5 CSR 10-2.010	Commissioner of Education		38 MoReg 1966		
5 CSR 10-2.020	Commissioner of Education		38 MoReg 1971		
5 CSR 10-2.030	Commissioner of Education		38 MoReg 1971		
5 CSR 20-100.170	Division of Learning Services		38 MoReg 1972R		
5 CSR 20-100.255	Division of Learning Services		37 MoReg 1571	38 MoReg 520F	
5 CSR 20-100.265	Division of Learning Services		38 MoReg 1758		
5 CSR 20-200.290	Division of Learning Services		38 MoReg 1762		
5 CSR 20-200.300	Division of Learning Services		38 MoReg 1762		
5 CSR 20-300.110	Division of Learning Services		N.A.	39 MoReg 524	
5 CSR 20-300.120	Division of Learning Services		N.A.	39 MoReg 525	
5 CSR 20-300.160	Division of Learning Services		38 MoReg 1527	39 MoReg 525	
5 CSR 20-300.170	Division of Learning Services		38 MoReg 1528	39 MoReg 526	
5 CSR 20-300.180	Division of Learning Services		38 MoReg 1531	39 MoReg 526	
5 CSR 20-300.190	Division of Learning Services		38 MoReg 1531	39 MoReg 526	
5 CSR 20-300.200	Division of Learning Services		38 MoReg 1531	39 MoReg 527	
5 CSR 20-400.120	Division of Learning Services		39 MoReg 191R		
5 CSR 20-400.130	Division of Learning Services		39 MoReg 191R		
5 CSR 20-400.140	Division of Learning Services		39 MoReg 192R		
5 CSR 20-400.375	Division of Learning Services		38 MoReg 825 38 MoReg 1972		
5 CSR 20-400.500	Division of Learning Services		38 MoReg 1976		
5 CSR 20-400.510	Division of Learning Services		38 MoReg 1977		
5 CSR 20-400.520	Division of Learning Services		38 MoReg 1978		
5 CSR 20-400.530	Division of Learning Services		38 MoReg 1979		
5 CSR 20-400.540	Division of Learning Services		38 MoReg 1981		
5 CSR 20-400.550	Division of Learning Services		38 MoReg 1985		
5 CSR 20-400.560	Division of Learning Services		38 MoReg 1987		
5 CSR 20-400.570	Division of Learning Services		38 MoReg 1992		
5 CSR 20-400.580	Division of Learning Services		38 MoReg 1992		
5 CSR 20-400.590	Division of Learning Services		38 MoReg 1993		
5 CSR 20-400.600	Division of Learning Services		38 MoReg 1994		
5 CSR 20-400.610	Division of Learning Services		38 MoReg 1994		
5 CSR 20-400.620	Division of Learning Services		38 MoReg 1998		
5 CSR 20-400.630	Division of Learning Services		38 MoReg 1998		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
5 CSR 20-400.640	Division of Learning Services		38 MoReg 1999		
5 CSR 20-400.650	Division of Learning Services		38 MoReg 2002		
5 CSR 20-400.660	Division of Learning Services		38 MoReg 2003		
5 CSR 20-400.670	Division of Learning Services		38 MoReg 2005		
5 CSR 20-400.680	Division of Learning Services		38 MoReg 2006		
5 CSR 20-400.690	Division of Learning Services		38 MoReg 2007		
5 CSR 20-400.700	Division of Learning Services		38 MoReg 2008		
5 CSR 20-500.120	Division of Learning Services		38 MoReg 1764		
5 CSR 20-500.130	Division of Learning Services		This Issue		
5 CSR 20-500.140	Division of Learning Services		This Issue		
5 CSR 20-500.150	Division of Learning Services		This Issue		
5 CSR 20-500.160	Division of Learning Services		This Issue		
5 CSR 20-500.170	Division of Learning Services		This Issue		
5 CSR 20-500.180	Division of Learning Services		This Issue		
5 CSR 20-500.190	Division of Learning Services		This Issue		
5 CSR 20-500.200	Division of Learning Services		This Issue		
5 CSR 30-640.100	Division of Financial and Administrative Services		38 MoReg 1532R	39 MoReg 527R	
5 CSR 100-200.010	Missouri Commission for the Deaf and Hard of Hearing		This Issue		
5 CSR 100-200.030	Missouri Commission for the Deaf and Hard of Hearing		This IssueR		
5 CSR 100-200.035	Missouri Commission for the Deaf and Hard of Hearing		This Issue		
5 CSR 100-200.040	Missouri Commission for the Deaf and Hard of Hearing		This Issue		
5 CSR 100-200.045	Missouri Commission for the Deaf and Hard of Hearing		This Issue		
5 CSR 100-200.050	Missouri Commission for the Deaf and Hard of Hearing		This Issue		
5 CSR 100-200.060	Missouri Commission for the Deaf and Hard of Hearing		This Issue		
5 CSR 100-200.070	Missouri Commission for the Deaf and Hard of Hearing		This Issue		
5 CSR 100-200.075	Missouri Commission for the Deaf and Hard of Hearing		This IssueR		
5 CSR 100-200.130	Missouri Commission for the Deaf and Hard of Hearing		This Issue		
5 CSR 100-200.150	Missouri Commission for the Deaf and Hard of Hearing		This Issue		
5 CSR 100-200.170	Missouri Commission for the Deaf and Hard of Hearing		This Issue		
5 CSR 100-200.210	Missouri Commission for the Deaf and Hard of Hearing		This Issue		
DEPARTMENT OF TRANSPORTATION					
7 CSR 10-6.010	Missouri Highways and Transportation Commission		38 MoReg 1860		
7 CSR 10-6.015	Missouri Highways and Transportation Commission		38 MoReg 1861		
7 CSR 10-6.020	Missouri Highways and Transportation Commission		38 MoReg 1862		
7 CSR 10-6.030	Missouri Highways and Transportation Commission		38 MoReg 1863		
7 CSR 10-6.040	Missouri Highways and Transportation Commission		38 MoReg 1864		
7 CSR 10-6.050	Missouri Highways and Transportation Commission		38 MoReg 1870		
7 CSR 10-6.060	Missouri Highways and Transportation Commission		38 MoReg 1870		
7 CSR 10-6.070	Missouri Highways and Transportation Commission		38 MoReg 1871		
7 CSR 10-6.080	Missouri Highways and Transportation Commission		38 MoReg 1873		
7 CSR 10-6.085	Missouri Highways and Transportation Commission		38 MoReg 1874		
7 CSR 10-6.090	Missouri Highways and Transportation Commission		38 MoReg 1876		
7 CSR 10-12.010	Missouri Highways and Transportation Commission		39 MoReg 493		
7 CSR 10-12.020	Missouri Highways and Transportation Commission		39 MoReg 493		
7 CSR 10-12.030	Missouri Highways and Transportation Commission		39 MoReg 494		
7 CSR 10-25.010	Missouri Highways and Transportation Commission				This Issue This Issue
7 CSR 60-2.010	Traffic and Highway Safety Division	38 MoReg 1591	38 MoReg 1610	39 MoReg 527	
7 CSR 60-2.020	Traffic and Highway Safety Division	38 MoReg 1593	38 MoReg 1611	39 MoReg 529	
7 CSR 60-2.030	Traffic and Highway Safety Division	38 MoReg 1595	38 MoReg 1612	39 MoReg 529	
7 CSR 60-2.040	Traffic and Highway Safety Division	38 MoReg 1597	38 MoReg 1613	39 MoReg 529	
7 CSR 60-2.050	Traffic and Highway Safety Division	38 MoReg 1600	38 MoReg 1615	39 MoReg 530	
7 CSR 60-2.060	Traffic and Highway Safety Division		38 MoReg 1616	39 MoReg 530	
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS					
8 CSR 10-3.085	Division of Employment Security		38 MoReg 1876	This Issue	
8 CSR 10-3.150	Division of Employment Security	38 MoReg 1515	38 MoReg 1532	39 MoReg 258	
8 CSR 10-4.020	Division of Employment Security		38 MoReg 1533	39 MoReg 258	
8 CSR 10-4.210	Division of Employment Security	38 MoReg 1516	38 MoReg 1533	39 MoReg 259	
8 CSR 50-2.030	Division of Workers' Compensation		38 MoReg 2087		
DEPARTMENT OF MENTAL HEALTH					
9 CSR 30-2.010	Certification Standards		39 MoReg 438		
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 10-3.010	Air Conservation Commission		38 MoReg 1100R	38 MoReg 2045R	
10 CSR 10-5.240	Air Conservation Commission		38 MoReg 1877R		
10 CSR 10-6.010	Air Conservation Commission		38 MoReg 2089		
10 CSR 10-6.020	Air Conservation Commission		38 MoReg 1265	39 MoReg 455	
10 CSR 10-6.161	Air Conservation Commission		38 MoReg 1297	39 MoReg 455	
10 CSR 10-6.200	Air Conservation Commission		38 MoReg 1382		
			38 MoReg 2008		
10 CSR 20-6.011	Clean Water Commission		38 MoReg 1534		
10 CSR 20-7.015	Clean Water Commission		38 MoReg 913	39 MoReg 259	
10 CSR 20-7.031	Clean Water Commission		38 MoReg 939	39 MoReg 291	
10 CSR 25	Hazardous Waste Management Commission				39 MoReg 461RUC
10 CSR 40-6.030	Land Reclamation Commission		38 MoReg 1298	38 MoReg 2045	
10 CSR 40-6.070	Land Reclamation Commission		38 MoReg 1299	38 MoReg 2045	
10 CSR 40-6.100	Land Reclamation Commission		38 MoReg 1300	38 MoReg 2045	
10 CSR 40-8.030	Land Reclamation Commission		38 MoReg 1301	38 MoReg 2046	
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11 CSR 45-4.205	Missouri Gaming Commission		39 MoReg 198R		
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11 CSR 45-5.237	Missouri Gaming Commission		38 MoReg 2019		
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13 CSR 35-71.010	Children's Division		39 MoReg 206		
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13 CSR 40-2.010	Family Support Division	39 MoReg 431	38 MoReg 1393	39 MoReg 164	
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20 CSR	Construction Claims Binding Arbitration Cap				39 MoReg 167
20 CSR	Sovereign Immunity Limits				39 MoReg 167
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20 CSR 200-2.100	Insurance Solvency and Company Regulation	38 MoReg 1695	38 MoReg 1778	39 MoReg 532	
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20 CSR 400-11.100	Life, Annuities and Health	38 MoReg 1353	38 MoReg 1397	38 MoReg 2095	
20 CSR 400-11.120	Life, Annuities and Health	38 MoReg 1732	38 MoReg 1816	39 MoReg 537	
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20 CSR 2030-2.040	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		38 MoReg 1487	39 MoReg 400	
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20 CSR 2030-2.060	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		38 MoReg 1487	39 MoReg 400W	
20 CSR 2063-6.005	Behavior Analyst Advisory Board		38 MoReg 1631	This Issue	
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20 CSR 2234-2.030	Board of Private Investigator Examiners		38 MoReg 1654	39 MoReg 457	
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20 CSR 2234-3.010	Board of Private Investigator Examiners		38 MoReg 1658	39 MoReg 458	
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20 CSR 2235-1.020	State Committee of Psychologists		38 MoReg 1175	38 MoReg 2050	
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7 CSR 60-2.020	Approval Procedure38 MoReg 1593	Oct. 1, 2013March 29, 2014
7 CSR 60-2.030	Standards and Specifications38 MoReg 1595	Oct. 1, 2013March 29, 2014
7 CSR 60-2.040	Responsibilities of Authorized Service Providers . . . . .	.38 MoReg 1597	Oct. 1, 2013March 29, 2014
7 CSR 60-2.050	Breath Alcohol Ignition Interlock Device Security38 MoReg 1600	Oct. 1, 2013March 29, 2014
Department of Labor and Industrial Relations			
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8 CSR 10-3.150	Fraud Penalties on Federal and State Benefits38 MoReg 1515	Oct. 1, 2013March 29, 2014
8 CSR 10-4.210	Prohibition on the Non-Charging Benefits38 MoReg 1516	Oct. 1, 2013March 29, 2014
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12 CSR 10-41.010	Annual Adjusted Rate of Interest38 MoReg 1965	Jan. 1, 2014June 29, 2014
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13 CSR 40-100.040	State Directory of New Hires38 MoReg 1601	Sept. 26, 2013March 24, 2014
MO HealthNet Division			
13 CSR 70-10.016	Global Per Diem Adjustments to Nursing Facility and HIV Nursing Facility Reimbursement Rates	April 1, 2014 issue	March 1, 2014May 31, 2014
13 CSR 70-10.160	Public/Private Long-Term Care Services and Supports Partnership Supplemental Payment to Nursing Facilities38 MoReg 1520	Sept. 7, 2013March 5, 2014
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16 CSR 20-2.060	Correction of Errors39 MoReg 436	Jan. 2, 2014June 30, 2014
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State Public Health Laboratory			
19 CSR 25-30.031	Type II Permits38 MoReg 1602	Sept. 15, 2013March 13, 2014
19 CSR 25-30.050	Approved Breath Analyzers . . . . .	.38 MoReg 1604	Sept. 15, 2013March 13, 2014
19 CSR 25-30.060	Operating Procedures for Breath Analyzers38 MoReg 1604	Sept. 15, 2013March 13, 2014
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Financial Examination			
20 CSR 200-2.100	Credit for Reinsurance38 MoReg 1695	Jan. 1, 2014June 29, 2014
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20 CSR 400-11.120	Continuing Education for Individual Navigators38 MoReg 1732	Sept. 30, 2013March 28, 2014
20 CSR 400-12.100	Missouri Health Insurance Pool Transitional Plan of Operation38 MoReg 1737	Sept. 30, 2013March 28, 2014
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22 CSR 10-2.010	Definitions39 MoReg 5	Jan. 1, 2014June 29, 2014
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22 CSR 10-2.030	Contributions39 MoReg 13	Jan. 1, 2014June 29, 2014
22 CSR 10-2.045	Plan Utilization Review Policy39 MoReg 15	Jan. 1, 2014June 29, 2014
22 CSR 10-2.051	PPO 300 Plan Benefit Provisions and Covered Charges . . . . .	.39 MoReg 16	Jan. 1, 2014June 29, 2014
22 CSR 10-2.052	PPO 600 Plan Benefit Provisions and Covered Charges . . . . .	.39 MoReg 17	Jan. 1, 2014June 29, 2014
22 CSR 10-2.053	High Deductible Health Plan Benefit Provisions and Covered Charges . . . . .	.39 MoReg 18	Jan. 1, 2014June 29, 2014
22 CSR 10-2.054	Medicare Supplement Plan Benefit Provisions and Covered Charges . . . . .	.39 MoReg 20	Jan. 1, 2014June 29, 2014
22 CSR 10-2.055	Medical Plan Benefit Provisions and Covered Charges39 MoReg 20	Jan. 1, 2014June 29, 2014
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22 CSR 10-2.060	PPO 300 Plan, PPO 600 Plan, and HDHP Limitations39 MoReg 31	Jan. 1, 2014June 29, 2014

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22 CSR 10-2.070	Coordination of Benefits39 MoReg 33Jan. 1, 2014June 29, 2014
22 CSR 10-2.075	Review and Appeals Procedure39 MoReg 34Jan. 1, 2014June 29, 2014
22 CSR 10-2.089	Pharmacy Employer Group Waiver Plan for Medicare Primary Members39 MoReg 36	. . . . .Jan. 1, 2014	. . . . .June 29, 2014
22 CSR 10-2.090	Pharmacy Benefit Summary39 MoReg 38	. . . . .Jan. 1, 2014	. . . . .June 29, 2014
22 CSR 10-2.094	Tobacco-Free Incentive Provisions and Limitations38 MoReg 1524	. . . . .Oct. 1, 2013	. . . . .March 29, 2014
22 CSR 10-2.120	Wellness Program38 MoReg 1525	. . . . .Oct. 1, 2013	. . . . .March 29, 2014
22 CSR 10-2.140	Wellness Center Provisions, Charges, and Services39 MoReg 41	. . . . .Jan. 1, 2014	. . . . .June 29, 2014
22 CSR 10-3.010	Definitions39 MoReg 42	. . . . .Jan. 1, 2014	. . . . .June 29, 2014
22 CSR 10-3.020	General Membership Provisions39 MoReg 42	. . . . .Jan. 1, 2014	. . . . .June 29, 2014
22 CSR 10-3.045	Plan Utilization Review Policy39 MoReg 44	. . . . .Jan. 1, 2014	. . . . .June 29, 2014
22 CSR 10-3.053	PPO 1000 Plan Benefit Provisions and Covered Charges . .39 MoReg 45	. . . . .Jan. 1, 2014	. . . . .June 29, 2014
22 CSR 10-3.054	PPO 2000 Plan Benefit Provisions and Covered Charges . .39 MoReg 46	. . . . .Jan. 1, 2014	. . . . .June 29, 2014
22 CSR 10-3.055	High Deductible Health Plan Provisions and Covered Charges39 MoReg 46	. . . . .Jan. 1, 2014	. . . . .June 29, 2014
22 CSR 10-3.056	PPO 600 Plan Benefit Provisions and Covered Charges . . .39 MoReg 48Jan. 1, 2014June 29, 2014
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22 CSR 10-3.057	Medical Plan Benefit Provisions and Covered Charges . . .39 MoReg 49Jan. 1, 2014June 29, 2014
22 CSR 10-3.060	PPO 600, PPO 1000 Plan, and HDHP Limitations39 MoReg 59	. . . . .Jan. 1, 2014	. . . . .June 29, 2014
22 CSR 10-3.075	Review and Appeals Procedure39 MoReg 61	. . . . .Jan. 1, 2014	. . . . .June 29, 2014
22 CSR 10-3.090	Pharmacy Benefit Summary39 MoReg 64	. . . . .Jan. 1, 2014	. . . . .June 29, 2014

Executive Orders	Subject Matter	Filed Date	Publication
2014			
14-01	Creates the Missouri Military Partnership to protect, retain, and enhance the Department of Defense activities in the state of Missouri.	Jan. 10, 2014	39 MoReg 491
2013			
13-14	Orders the Missouri Department of Revenue to follow sections 143.031.1 and 143.091, RSMo, and require all taxpayers who properly file a joint federal income tax return to file a combined state income tax return.	Nov. 14, 2013	38 MoReg 2085
13-13	Advises that state offices will be closed on Friday November 29, 2013.	Nov. 1, 2013	38 MoReg 1859
13-12	Activates the state militia in response to the heavy rains, flooding, and flash flooding that began on Aug. 2, 2013.	Aug. 7, 2013	38 MoReg 1459
13-11	Declares a state of emergency and activates the Missouri State Operation Plan due to heavy rains, flooding, and flash flooding.	Aug. 6, 2013	38 MoReg 1457
13-10	Declares a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated.	May 31, 2013	38 MoReg 1097
13-09	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies.	May 3, 2013	38 MoReg 879
13-08	Activates the state militia in response to severe weather that began on April 16, 2013.	April 19, 2013	38 MoReg 823
13-07	Declares a state of emergency and directs that the Missouri State Emergency Operations Plan be activated due to severe weather that began on April 16, 2013.	April 19, 2013	38 MoReg 821
13-06	Declares a state of emergency and activates the Missouri State Emergency Operations Plan in response to severe weather that began on April 10, 2013.	April 10, 2013	38 MoReg 753
13-05	Declares a state of emergency and directs that the Missouri State Emergency Operations Plan be activated due to severe weather that began on Feb. 20, 2013.	Feb. 21, 2013	38 MoReg 505
13-04	Expresses the commitment of the state of Missouri to the establishment of Western Governors University (WGU) as a non-profit institution of higher education located in Missouri that will provide enhanced access for Missourians to enroll in and complete on-line, competency-based higher education programs. Contemporaneously with this Executive Order, the state of Missouri is entering into a Memorandum of Understanding (MOU) with WGU to further memorialize and establish the partnership between the state of Missouri and WGU.	Feb. 15, 2013	38 MoReg 467
13-03	Orders the transfer of the Division of Energy from the Missouri Department of Natural Resources to the Missouri Department of Economic Development.	Feb. 4, 2013	38 MoReg 465
13-02	Orders the transfer of the post-issuance compliance functions for tax credit and job incentive programs from the Missouri Department of Economic Development to the Missouri Department of Revenue.	Feb. 4, 2013	38 MoReg 463
13-01	Orders the transfer of the Center for Emergency Response and Terrorism from the Department of Health and Senior Services to the Department of Public Safety.	Feb. 4, 2013	38 MoReg 461

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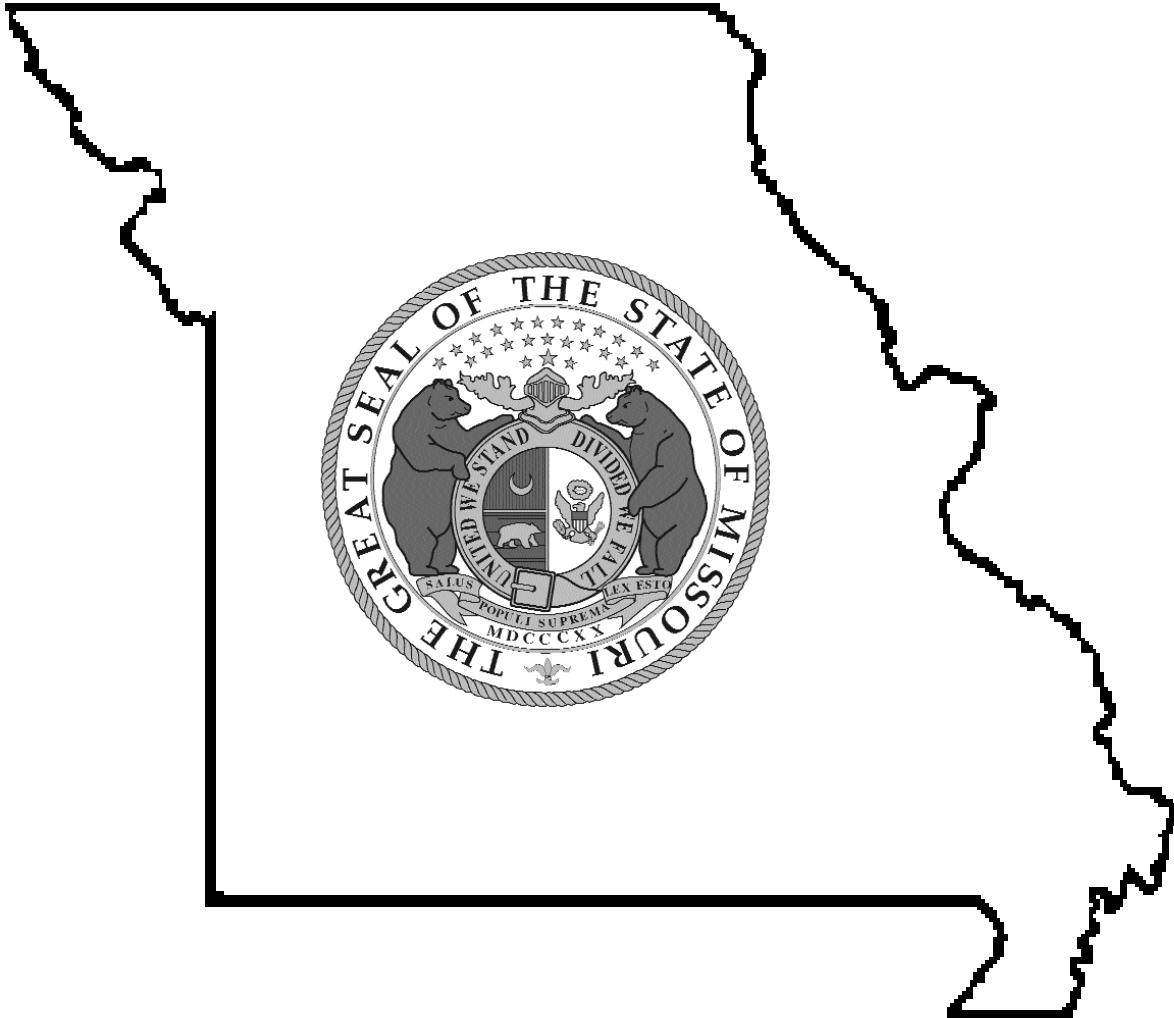
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