
Rules of
Department of Economic
Development
Division 240—Public Service Commission
Chapter 32—Telecommunications Service

Title	Page
4 CSR 240-32.010 General Provisions	3
4 CSR 240-32.020 Definitions	3
4 CSR 240-32.030 Records and Reports	4
4 CSR 240-32.040 Metering, Inspections and Tests	5
4 CSR 240-32.050 Customer Services	6
4 CSR 240-32.060 Engineering and Maintenance	7
4 CSR 240-32.070 Quality of Service.....	8
4 CSR 240-32.080 Service Objectives and Surveillance Levels	9
4 CSR 240-32.090 Connection of Equipment and Inside Wiring to the Telecommunications Network	10
4 CSR 240-32.100 Provision of Basic Local and Interexchange Telecommunications Service	10
4 CSR 240-32.110 Surety Bonding Requirements for Basic Local Telecommunications Companies (Rescinded December 30, 2000).....	10
4 CSR 240-32.120 Snap-Back Requirements for Basic Local Telecommunications Companies.....	10
4 CSR 240-32.130 General Provisions—Prepaid Interexchange Calling Services.....	11
4 CSR 240-32.140 Definitions—Prepaid Interexchange Calling Services	11
4 CSR 240-32.150 Qualifications for and Responsibilities of the Prepaid Calling Services	12
4 CSR 240-32.160 Customer Disclosure Requirements	12
4 CSR 240-32.170 Standards for Prepaid Calling Service	12

**Title 4—DEPARTMENT OF
ECONOMIC DEVELOPMENT
Division 240—Public Service
Commission
Chapter 32—Telecommunications
Service**

4 CSR 240-32.010 General Provisions

PURPOSE: This rule sets forth the applicability of the rules comprising Chapter 32.

(1) This rule and the other rules comprising Chapter 32 shall apply to any telecommunications company, except for private shared tenant service providers and private pay telephone service providers, operating within the state of Missouri and under the jurisdiction of the Public Service Commission. These rules govern the furnishing of telecommunications service and facilities to the public. Their purpose is to establish reasonable service standards so that safe and adequate service will be rendered to the public.

(2) For good cause, application may be made to the commission for the modification of any rule in Chapter 32 or for temporary or permanent exemption from its requirements.

(3) The rules comprising Chapter 32 shall not relieve any company from any of its duties under the laws of this state or from any other rules of this commission. A utility shall adopt rules governing its relations with customers and applicants for service which are consistent with this chapter. All telecommunications companies shall be in compliance with this chapter within six (6) months after the effective date of this rule and shall notify the commission of such compliance.

AUTHORITY: sections 386.040, RSMo 1994 and 386.250, 386.310, and 392.200, RSMo Supp. 1998. Original rule filed Dec. 11, 1975, effective Dec. 23, 1975. Rescinded and readopted: Filed Jan. 5, 1999, effective Sept. 30, 1999.*

**Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; 386.310, RSMo 1939, amended 1979, 1989, 1996; and 392.200, RSMo 1939, amended 1987, 1988, 1996.*

4 CSR 240-32.020 Definitions

PURPOSE: This rule defines terms used in the rules comprising this chapter.

(1) Access line—a circuit between a customer premises and the central office. Any line giving access to a larger system or network.

(2) Automated dialing-announcing devices—any automated equipment which, when attached to a telephone line, is capable of initiating calls on the telephone network; has storage capability for multiple numbers to be called or has a random or sequential number generator that produces numbers to be called; and working alone or in conjunction with other equipment, is capable of transmitting a prerecorded message to the station called.

(3) Base rate area—an area within an exchange as specified in the telecommunications company's tariffs and maps, within which each grade or class of basic local telecommunications service is furnished at a uniform rate without the application of mileage or zone charges.

(4) Basic local telecommunications company—any incumbent or competitive local exchange telecommunications company which provides basic local telecommunications service as defined in section 386.020(4), RSMo Supp. 1997.

(5) Basic local telecommunications service—basic local telecommunications service as defined in section 386.020(4), RSMo Supp. 1997.

(6) Blockage—central office equipment is in busy condition or is available but customers are unable to access the equipment because of grading limitations.

(7) Calls—a customer's attempted telecommunications transmissions whether completed or not.

(8) Central office—the facility housing one (1) or more switching units in a telecommunications system which provides service to the general public and has the necessary equipment and operating arrangements for terminating and interconnecting customer lines and trunks or trunks only.

(9) Channel—a path for telecommunications between two (2) or more stations or central offices, furnished in any manner the carrier may elect.

(10) Customer—any individual, firm, partnership, corporation, municipality, cooperative, organization, governmental agency, etc., that accepts financial and other responsibilities

in exchange for telecommunications service.

(11) Customer provided equipment (CPE)—terminal equipment connected to the telephone network which is owned by the user or leased from a supplier.

(12) Customer trouble report—any oral or written communication from a customer or user of telecommunications service relating to a defect or a specific difficulty encountered in connection with the operation of a company's facilities. Multiple accounts of customer trouble which relate to the same defect or specific difficulty may be recorded on a single report if that report clearly shows the total number of oral or written communications received.

(13) Exchange—exchange as defined in section 386.020(16), RSMo Supp. 1997.

(14) Grade of service—the number of customers or parties that a telephone line is designed to serve, such as one (1)-party, two (2)-party or four (4)-party.

(15) Held application—an application for establishment of basic local telecommunications service which a company has not satisfied within thirty (30) days after the date applicant desires that service begin. This would not include those applications held due to credit reasons.

(16) Incumbent local exchange telecommunications company—incumbent local exchange telecommunications company as defined in section 386.020(22), RSMo Supp. 1997.

(17) Individual line service—a basic local telecommunications service in which only one (1) customer is served by the access line.

(18) Interexchange telecommunications company—interexchange telecommunications company as defined in section 386.020(23), RSMo Supp. 1997.

(19) Interexchange telecommunications service—interexchange telecommunications service as defined in section 386.020(24), RSMo Supp. 1997.

(20) Interoffice trunk—a type of line that generally carries aggregated telecommunications traffic and is ordinarily extended between two (2) switching units.

(21) InterLATA telecommunications service—interLATA telecommunications service



as defined in section 386.020(25), RSMo Supp. 1997.

(22) IntraLATA telecommunications service—*intraLATA* telecommunications service as defined in section 386.020(26), RSMo Supp. 1997.

(23) LATA or local access and transportation area—*LATA* or local access and transportation area as defined in section 386.020(29), RSMo Supp. 1997.

(24) Line—a general term used in the telecommunications industry in several different senses, the most common of which are access line, trunk, channel and route.

(25) Local calling scope—the area within which basic local telecommunications service is furnished customers under a specific schedule of basic local telecommunications service rates. A local calling scope may include one (1) or more exchanges or portions of exchanges.

(26) Local message—a completed call between stations located within the same local calling scope.

(27) Long distance service—telecommunications service furnished between customers in different local calling scopes. This service is also referred to as message toll service.

(28) Message—a completed call.

(29) Message rate service—a basic local telecommunications service in which originated local messages are measured and charged for on the basis of the number and/or duration of messages, or as defined in a tariff approved by the commission as of the effective date of this rule.

(30) Nonpublished telephone number—a telephone number which is not listed in the paper phone directories but which is listed with dial-up Directory Assistance.

(31) Operator service—operator service as defined in section 386.020(37), RSMo Supp. 1997.

(32) Outside plant—the telecommunications wires, cable, equipment and facilities installed along, over or under streets, alleys, highways or private rights-of-way between the central office and customers' premises or between central offices.

(33) Party line service—a basic local telecommunications service in which a num-

ber of customers are served by the same central office line equipment.

(34) Pay telephone service provider—a telecommunications company that offers access to telephone service with a coin or non-coin telephone installed for use by the general public from which calls can be paid for at the time they are made by means of coins, tokens, credit cards, debit cards or billed to an alternate number.

(35) Person—person as defined in section 386.020(39), RSMo Supp. 1997.

(36) Private shared tenant services—private shared tenant services as defined in section 386.020(40), RSMo Supp. 1997.

(37) Public utility—public utility as defined in section 386.020(42), RSMo Supp. 1997.

(38) Rate—rate as defined in section 386.020(45), RSMo Supp. 1997.

(39) Regrade—a change to a different grade of basic local telecommunications service.

(40) Service—service as defined in section 386.020(47), RSMo Supp. 1997.

(41) Service bureau—the designated office, or location where trouble reports and/or service orders are worked and dispatched.

(42) Standard intercept service—a service arrangement provided by a company where calls placed to a nonworking telephone number are intercepted and the calling party is informed that the called telephone number is not in service.

(43) Station—a point of input to or output from the network, including a telephone instrument or other terminal device.

(44) Surveillance level—a level at or below which telephone service is inferior and will require the telecommunications company providing that service to take immediate action to investigate and correct.

(45) Switching—a generic term for machines that switch telephone calls from/to other telephones or trunks.

(46) Tandem—a central office where trunks are interconnected to transmit telecommunications traffic between other central offices.

(47) Tariff—a schedule of rates, services and rules approved by the commission.

(48) Telecommunications company—telecommunications company as defined in section 386.020(51), RSMo Supp. 1997.

(49) Telecommunications facilities—telecommunications facilities as defined in section 386.020(52), RSMo Supp. 1997.

(50) Telecommunications service—telecommunications service as defined in section 386.020(53), RSMo Supp. 1997.

(51) Traffic—telecommunications volume, based on number of calls and duration of messages.

(52) Unlisted telephone number—a telephone number which is not listed in the paper phone directories and is not given out to callers to Directory Assistance.

AUTHORITY: sections 386.040, RSMo 1994 386.250, 386.310 and 392.200, RSMo Supp. 1998. Original rule filed Dec. 11, 1975, effective Dec. 23, 1975. Amended: Filed Dec. 12, 1977, effective July 13, 1978. Amended: Filed July 13, 1978, effective Jan. 13, 1979. Amended: Filed Aug. 13, 1984, effective Nov. 15, 1984. Rescinded and readopted: Filed Jan. 5, 1999, effective Sept. 30, 1999.*

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4 CSR 240-32.030 Records and Reports

PURPOSE: This rule prescribes the type, location and retention of records, and reports on telecommunications service.

(1) Each telecommunications company shall make and maintain records of its operations in sufficient detail to permit review of those operations. These records shall be retained in an easily accessible place for a period of at least three (3) years. These records shall be made available upon request to the commission or its authorized representatives. These records shall include all reports filed with the commission, together with the information necessary to verify each report.

(2) Except as authorized by 4 CSR 240-32.010, all records required by the rules comprising Chapter 32 shall be made available for review within the state at any time upon request. Reasonable time, not to exceed thirty (30) days, will be permitted to assemble and deliver records to the location where they are to be reviewed.

(3) For companies providing basic local telecommunications service, the records specified in section (1) above shall include the following:

(A) Each company shall record each application for basic local telecommunications service or regrade of service; and

(B) Each company shall keep a record, by exchange, of each held application for basic local telecommunications service and for each application for regrade that is not satisfied within thirty (30) days. The record will list the name and address of each applicant for service or regrade, whether the applicant's location is inside or outside the base rate area, the date of application, the date service is requested to begin, the date service was promised to begin, the class and grade of service applied for and the reason for the delay in providing the requested service.

(4) Companies shall file the following information with the commission:

(A) Each company providing basic local telecommunications service shall file with the commission no later than forty-five (45) days following the end of each quarter a report, referred to as the quarterly report, of the quality of the telephone service provided to its customers. The quarterly report shall include:

1. The aggregated service level for each aspect of service quality for which there has been established a service objective in 4 CSR 240-32.080, together with such other information concerning service quality that the company deems applicable or the commission specifically requests. Those levels shall represent an average of the measurements taken throughout the reporting period. If the reported service level in any separately measured exchange, business office or service bureau does not meet the surveillance level, the company shall list each such exchange, business office or service bureau and its service level;

2. The number of applications held for both basic local telecommunications service and for regrade of service. Those numbers will be kept distinct from one another. The listing shall categorize the number held for thirty (30), sixty (60), ninety (90) and one hundred twenty (120) days; and

3. The number of applications listed pursuant to subsection (3)(B) above, by exchange, and the number of such applications that were satisfied during that quarter;

(B) Each company shall have its tariff on file with the commission in accordance with 4 CSR 240-30.010;

(C) Each company providing basic local telecommunications service shall have on file

with the commission an exchange boundary map for each of its exchanges within the state. Each map shall clearly show the boundary lines of the area in which the company accepts responsibility for providing such service. Exchange boundary lines shall be located by appropriate measurement to an identifiable location where that portion of the boundary line is not otherwise located on section lines, waterways, railroads, roads, etc. Maps shall contain both detail and reasonable and readable scale. Competitive local exchange companies may submit a tariff sheet adopting the tariff map on file with the commission for a specific exchange served by the incumbent local exchange provider. The exchange maps shall be available for public inspection at each public business office for the area served by the office. Each company filing an original or revised map shall submit proof of notice of the proposed boundary to any other company adjoining the area in which a boundary line is to be established or changed;

(D) Each company shall advise the commission's customer services department of abnormal service conditions by telephone or facsimile. Abnormal conditions include any tandem outage, central office or exchange isolation, cable cut, or central office problem that involves three hundred (300) or more customers and lasts thirty (30) minutes or more or any other service condition the company wishes to bring to the attention of the customer services department; and

(E) Each company shall make and file with the commission a disaster recovery plan, which shall be reviewed by the company at least annually and modified as necessary. Any modifications shall be submitted as amendments.

AUTHORITY: sections 386.040, RSMo 1994 and 386.250, 386.310 and 392.200, RSMo Supp. 1998. Original rule filed Dec. 11, 1975, effective Dec. 23, 1975. Amended: Filed Aug. 13, 1984, effective Nov. 15, 1984. Rescinded and readopted: Filed Jan. 5, 1999, effective Sept. 30, 1999.*

**Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; 386.310, RSMo 1939, amended 1979, 1989, 1996; and 392.200, RSMo 1939, amended 1987, 1988, 1996.*

4 CSR 240-32.040 Metering, Inspections and Tests

PURPOSE: This rule provides for the metering, inspection and testing of telecommunica-

tions equipment for routine maintenance and for troubleshooting.

(1) Each telecommunications company shall possess or have access to test equipment that will enable it to detect faults and maintain its outside plant facilities and switching equipment in a safe and adequate operating condition.

(2) When mechanical or electronic recording devices are used by a company in connection with usage sensitive telecommunications service, the meter reading data and related customer records from which the customers' bills are prepared shall show an identifying number or means to determine readily the customer's name, address and service classification; meter readings; date of meter readings; and multiplier or constant, if used.

(3) As nearly as practicable, meters shall be read at intervals to correspond to customer billing periods.

(4) Each company furnishing telecommunications service, where billing is based on the number and/or duration of messages, shall provide or contract for the provision of the necessary facilities, instruments and equipment for testing its metering or recording equipment. The overall accuracy of the test equipment and test procedure shall be sufficient to ensure that the meters and recording equipment meet the requirements of these rules.

(5) All meters and recording devices which record data used to prepare customers' bills shall be in good mechanical and electrical condition and shall be accurately read. All meters and recording devices shall accurately perform the following:

(A) For message rate service, where timing the length of message is not involved, the meter and recording device shall show the number of messages sent by the station which it is measuring;

(B) For local measured or long distance service, when in addition to recording the message it is necessary to time the message, the recording device shall show the number of messages, the chargeable time of each message and the telephone number of the originating station. Where a meter is associated with the originating station, the meter shall accumulate the number of message units applicable to each message; and

(C) Where the recording equipment provides coded information that is used to automatically prepare customers' bills, accurate



interpretation of such coded information is required.

(6) Tests on meters and recording equipment shall be made as follows:

(A) Every meter and recording device shall be tested for accuracy when released for service;

(B) All meters and recording devices, whether tested routinely or upon complaint, shall be tested in their normal operating location and wiring mode prior to removal or adjustment;

(C) Each company shall perform testing and maintenance of its controlling trunk equipment associated with meters and recording devices to ensure the integrity of their operation. Testing and maintenance shall also be performed on meters and recording devices to ensure accuracy in their operation; and

(D) Upon request of any customer, a company shall make a test of any specific meter or recording device related to a customer's service. If a customer requests that tests be made more often than once in twelve (12) months, and if the tariff allows, a service charge may be imposed for additional tests if no fault is found.

(7) All meter and recording equipment tests, adjustments and other data shall be recorded to allow review of the results. The record shall include the identifying number and type of the meter and/or recording device, the date and kind of test and the results of each test.

AUTHORITY: sections 386.040, RSMo 1994 and 386.250, 386.310 and 392.200, RSMo Supp. 1998. Original rule filed Dec. 11, 1975, effective Dec. 23, 1975. Rescinded and readopted: Filed Jan. 5, 1999, effective Sept. 30, 1999.*

**Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; 386.310, RSMo 1939, amended 1979, 1989, 1996; and 392.200, RSMo 1939, amended 1987, 1988, 1996.*

4 CSR 240-32.050 Customer Services

PURPOSE: This rule prescribes the services to be provided the customers of a telecommunications company in regard to public information.

(1) Upon application for telecommunications service or upon request from an existing customer, a company shall make available the related portion of its approved tariff and a reasonable explanation of the tariff to assist the customer or applicant in determining

which services will meet a customer's needs at the lowest overall cost. This information will clearly itemize each installation and connection charge, each ongoing service charge, and rates for each applicable service the company provides.

(2) Each company providing basic local telecommunications service shall provide in each exchange either a business office open to the public or a toll-free telephone number, or both, through which customers and applicants have access to qualified personnel to make application for service, receive explanations of rates and charges, address billing errors, and bring general customer service matters to the company's attention. Either a business office open to the public or a toll-free telephone number must be provided for customers to report emergency problems twenty-four (24) hours a day, seven (7) days a week.

(3) Each company providing basic local telecommunications service shall provide the following information to customers and applicants upon reasonable request:

(A) The portion of the company's approved tariff that relates to an inquiry concerning the customer's or applicant's existing or proposed service;

(B) A map showing the exchange, base rate area and zone boundaries, if applicable, together with an area of detail in which the inquiring customer's or applicant's location and any applicable mileage or zone charges can be determined; and

(C) Any publicly announced plans or filed applications for changes in service availability, service quality or rates for service.

(4) Each company furnishing basic local telecommunications service shall publish or contract to publish telephone directories at regular intervals and shall provide or contract to provide directory assistance as follows:

(A) Directories shall list the names of all customers, their most definitive addresses, if available, and their telephone numbers. Exceptions to directory listings are pay telephones, mobile telephones, and telephone service unlisted or nonpublished at the customer's request. Listings for secondary numbers may be excepted from the address requirements. The address may be omitted from directories if requested by the customer;

(B) Upon issuance, a copy of the applicable directory shall be distributed by the basic local telecommunications company to its customers served by that directory and two (2) copies of such directories shall be furnished

to the commission and one (1) copy to the Office of the Public Counsel;

(C) The name of the company, an indication of the area included in the directory and the month and year of issue shall be displayed prominently on the outside, front cover of each directory. Information pertaining to emergency calls (police, fire, etc.) and location of the company's public business office or related toll-free number shall appear conspicuously in the front part of the directory pages;

(D) The directory shall contain instructions for utilizing the Telecommunications Relay Service, and for placing local and long distance calls, calls for repairs and directory assistance and calls to the company's business office appropriate to the area served by the directory. The directory shall also include the address and telephone number of the Public Service Commission and its consumer services department, and the address and telephone number of the Office of the Public Counsel;

(E) The company shall list its customers with directory assistance except for customers with unlisted numbers so that requested telephone numbers can be provided based on customers' names and their addresses, if available. The customer's number shall be available through directory assistance within three (3) working days after the time the customer's service becomes operational;

(F) In the event of an error in the telephone number of any customer listed in the directory, the company shall intercept all calls to the listed number for a reasonable period of time provided existing central office equipment will permit, and the number is not a working number. Interception shall begin within three (3) working days after the error is discovered and shall give the calling party the correct number. In the event of an error or omission in any customer information in the directory, such customer information shall be corrected in the files of the directory assistance within three (3) working days after the error is discovered; and

(G) The company shall disclose the conditions under which the customer's name or telephone number or both, when designated as "nonpublished" or "unlisted," will be made available to the public. The disclosure shall indicate whether caller ID will display "nonpublished" or "unlisted" customer names and/or telephone numbers without the caller affirmatively blocking this information. The directory shall also advise customers how to block unlisted and unpublished numbers.

(5) Whenever any customer's telephone number is changed after a directory is published, the company providing basic local telecommunications service shall intercept all calls to the former number for a reasonable period of time and give the calling party the new number, provided existing central office equipment will permit and the customer so requests.

(6) When additions or changes in plant or changes to other operations require that a company change telephone numbers of a group of customers, the company shall give notice by direct mail or bill insert to all affected customers at least sixty (60) days prior to the effective date of the change, even though the additions or changes may be coincident with a directory issue.

AUTHORITY: sections 386.040, RSMo 1994 and 386.250, 386.310 and 392.200, RSMo Supp. 1998. Original rule filed Dec. 11, 1975, effective Dec. 23, 1975. Rescinded and readopted: Filed Jan. 5, 1999, effective Sept. 30, 1999.*

**Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; 386.310, RSMo 1939, amended 1979, 1989, 1996; and 392.200, RSMo 1939, amended 1987, 1988, 1996.*

4 CSR 240-32.060 Engineering and Maintenance

PURPOSE: This rule prescribes the standards for design, construction and operation of telecommunications facilities.

(1) Telecommunications facilities shall be designed, constructed, maintained and operated in accordance with the provisions outlined in the safety standards rule of the commission set forth in 4 CSR 240-18.010.

(2) Trunk circuits shall be full metallic or equivalent (for example, microwave, carrier, etc.).

(3) Grounded circuits will not be permitted except for signaling purposes and party line identification.

(4) All access line loops and trunk facilities shall be compatible with the transmission design factors required for a modern telecommunications network.

(5) Each company shall make reasonable provisions to meet emergencies resulting from lightning or power service failures, unusual and prolonged increases in traffic, absence of

personnel, fire, storm or other natural disasters and shall inform its employees of procedures to be followed in the event of emergency in order to prevent or minimize interruption or impairment of telecommunications service. Each central office shall contain as a minimum three (3) hours of battery reserve. In each office without installed emergency power facilities, there shall be a mobile power unit available which can be delivered and connected on short notice. In each central office, other than a controlled environmental vault, serving more than five thousand (5,000) lines, a permanent auxiliary power unit shall be installed.

(6) Each company shall adopt and pursue a maintenance program aimed at achieving efficient operation of its system to provide for safe and adequate service at all times. Maintenance shall include proper repair and adjustment of all facilities and equipment, for example:

(A) Broken, damaged or deteriorated parts which are no longer serviceable shall be repaired or replaced;

(B) Adjustable apparatus and equipment shall be readjusted when in an unsatisfactory operating condition; and

(C) Electrical faults, such as leakage or poor insulation, noise induction, cross talk or poor transmission characteristics shall be corrected to meet the commission standards set forth in this rule.

(7) Each company shall adopt a program of periodic tests, inspections and preventive maintenance aimed at achieving efficient operation of its system and rendering safe and adequate service to its customers.

(8) Each company shall monitor the actual transmission performance of the network to determine if the established objectives and operating requirements are met. This monitoring function shall consist of circuit order tests prior to placing trunks in service, routine periodic trunk maintenance tests, tests of actual switched trunk connections, periodic tests of a sample of access line loops in each exchange for noise and electrical faults, and special transmission surveys of the network.

(9) In the event that service must be interrupted for purposes of working on the lines or equipment, the work shall be done in a manner which will cause minimal inconvenience to customers, except in emergency situations. Each company shall attempt to notify each affected customer in advance of an extended interruption. Each company shall make every

effort to accommodate emergency services and customers with extraordinary needs.

(10) On a going-forward basis, each telecommunications company shall bond and ground its facilities to the multigrounded neutral wire of the company providing electricity. If vertical (pole) ground wires have not been strategically placed, at the beginning or end of power exposures or where power company equipment is located, the telecommunications company should coordinate with the power company to have those vertical neutral ground wires placed. Each telecommunications company shall be prepared and properly equipped to measure ground connections to ensure that the bonds and grounds are functional. As appropriate, connections shall be measured with proper test equipment. All construction, removal, and maintenance work will at all times comply with the current editions of the *National Electric Safety Code* and the *National Electric Code*.

(11) Each company shall maintain the following specifications for its outside plant:

(A) Access line loops shall not have a loop resistance that exceeds the operating design of the connected central office equipment. Loop resistance greater than the design of the central office equipment shall have long line adapters, voice frequency repeaters or other special equipment. Subscriber loops not served by analog or digital carrier technologies shall maintain a minimum of twenty-three (23) milliamperes of loop current when measured at the customer's premises;

(B) Transmission loss of access line loops shall not exceed eight and five-tenths (8.5) decibels when measured at one thousand (1,000) hertz. Loops that are measured with more loss shall be corrected to a maximum loss of eight and five-tenths (8.5) decibels; and

(C) Where inductive loading is necessary, loading procedures shall conform to industry standards for forty-four (44), sixty-six (66) or eighty-eight (88) millihenry load coil spacings.

(12) Each company shall investigate and pursue corrective action for the following faults on working cable pairs when they are detected with the customer's equipment disconnected:

(A) A leakage tip to ring, tip to ground or ring to ground of forty thousand (40,000) ohms of resistance or less;

(B) An imbalance between the tip and ring of a cable pair of ten percent (10%) or more when measured from the central office with a cable analyzer;

(C) A balance reading below sixty (60) decibels with reference to noise with C-message weighting (dBrnC), measured by a noise measuring test set, where the noise metallic reading is subtracted from the power influence when the power influence reading is over seventy (70) dBrnC;

(D) Voltage of ten (10) volts direct current (DC) or more on either side of a dry cable pair when measured from the central office;

(E) A power influence reading of ninety (90) dBrnC or more on the cable pair when measured from the central office;

(F) A noise metallic reading of thirty (30) dBrnC or more on the cable pair when measured from the central office;

(G) An alternating current voltage on the tip or ring to ground of more than fifty (50) root mean square volts; and

(H) Any other fault that affects or may contribute to service degradation.

(13) Transmission loss on trunks that only carry traffic within a local calling scope shall not exceed six (6) decibels of loss.

(14) Transmission loss on trunks that carry long distance traffic shall not exceed four (4) decibels of loss.

(15) The following are requirements for placement of buried cable:

(A) Buried telephone feeder and distribution cable shall be placed at a minimum depth of twenty-four inches (24") unless the company determines that good cause could be shown;

(B) Buried drop cable shall be placed at a minimum depth of twelve inches (12") unless the company determines that good cause could be shown;

(C) Trenching and plowing of cable shall be performed in such a way as to prevent unnecessary damage to private and public property;

(D) When it is necessary to plow or trench cable across private land, a company shall obtain permission or easement (written, if possible) from the owner before the work is performed; and

(E) When performing any work that endangers other companies' buried utility facilities, telecommunications companies shall fully comply with *Missouri Revised Statutes*, Chapter 319, sections 319.010 through 319.075.

(16) When there is no available existing network interface device, a company shall install a network interface device when service is installed if installation requires a premises visit. If a premises visit is not required, then

the company shall install a network interface device when existing service locations are next visited by company service personnel under normal conditions. At those locations where a network interface device has not been installed or is not accessible to the customer, the company shall not charge a trouble isolation fee even if the trouble is on the customer's side of the protector unless the company's approved tariff provides otherwise as of the effective date of this rule. However, if the customer refuses, and signs a refusal, to allow placement of a network interface device on the outside of a premises, the company may charge the customer for isolating the trouble when the cause of the trouble is found inside the premises.

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4 CSR 240-32.070 Quality of Service

PURPOSE: This rule sets forth the standards for quality of service.

(1) Each telecommunications company shall provide telecommunications service to the public in its service area in accordance with its tariffs on file with the commission. The company shall adhere to the standards prescribed by the commission, but the procedures and practices should not supersede individual customers' needs. Simple adherence to established procedures is not necessarily an indication that a company has provided adequate service to a particular customer or group of customers. In proceedings before the commission, compliance with quality of service standards established by these rules creates a presumption that the telecommunications service conforming to such standards is adequate under Public Service Commission law. The presumption of adequacy may be rebutted by evidence which shows that, under the particular facts and circumstances, adherence to these rules does not result in the provision of adequate service to a customer or a group of customers.

(2) Each company shall employ prudent management and engineering practices to forecast future demand for service.

(3) Each company shall perform routine tests, make traffic studies, and maintain records required to determine the facilities, equipment and personnel necessary to maintain an acceptable quality of service at all times.

(4) Each company shall make commitments to customers or potential customers as to the date of installation, repair or regrade of basic local telecommunications service. If requested by the customer, the company will indicate a morning or afternoon appointment, and will make reasonable efforts to accommodate more specific appointment requests. When substantial construction is required to meet a regrade of service request, the company shall provide an approximate date by which that regrade will be completed. This projected commitment date shall be based on a good faith estimate and be projected to a specific quarter of a specific year. This date shall be provided to the customer within thirty (30) days of the original request for regrade of service.

(5) Each company shall provide for the receipt of customer trouble reports at all hours and make a full and prompt investigation of all complaints. The company shall maintain an accurate record of trouble reports made by its customers. This record shall include an appropriate identification of the customer; the service affected; the time, date and nature of the report; the action taken to clear the trouble or satisfy the complaint; and the date and time of trouble clearance or other disposition. If customer trouble reports are relayed to a recorder after business hours and on weekends, the recorder must be capable of automatically recording the date and time so that company personnel can determine the exact time the trouble was reported to the company.

(6) Each company shall establish a reasonable procedure to receive and address bona fide emergency trouble reports at all hours, in a way that is consistent with the needs of customers and the personal safety of company personnel.

AUTHORITY: sections 386.040, RSMo 1994 and 386.250, 386.310 and 392.200, RSMo Supp. 1998. Original rule filed Dec. 11, 1975, effective Dec. 23, 1975. Rescinded and readopted: Filed Jan. 5, 1999, effective Sept. 30, 1999.*

**Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; 386.310, RSMo 1939, amended 1979, 1989, 1996; and 392.200, RSMo 1939, amended 1987, 1988, 1996.*

4 CSR 240-32.080 Service Objectives and Surveillance Levels

PURPOSE: This rule establishes service objectives which telecommunications companies should meet and surveillance levels which indicate a level of service that a company needs to investigate and correct.

(1) Each company shall make at least monthly measurements to determine the level of service for each applicable category using the criteria listed below. Any category that cannot be monitored continuously shall be tested during normal business hours. Since technology will continue to change the way telecommunications companies provide and monitor service and because of the vast range of central office sizes, a company may find it is not technically feasible to collect data for some categories.

(2) Each company is expected to provide service within each exchange that meets or exceeds the service objective level. If service within any exchange falls to or below the surveillance level, the company shall immediately investigate and take appropriate corrective action.

(3) For purposes of determining answer time service level, a call is not answered until the appropriate operator, interactive voice system or representative is on the line and available to render assistance or accept information necessary to process the call. An acknowledgment that the customer is waiting on the line is not an answer.

(4) For purposes of preparing trouble reports, each verbal or written communication regarding trouble with an access line will be taken as a separate communication unless it is either a duplicate communication or it is due to CPE or inside wire. Multiple communications of customer trouble which relate to the same defect or specific difficulty may be recorded on a single report if that report clearly shows the total number of oral or written communications received.

(5) The service objectives, surveillance levels and monitoring criteria for the following categories are:

(A) Orders for basic local telecommunications service—

1. Service objective—that ninety percent (90%) of such orders shall be installed, except for customer-caused delays and natural disaster—

A. Within five (5) working days after the customer ordered service; or

B. On or by the date requested if it is at least five (5) working days after the date the customer ordered service;

2. Surveillance level—eighty-five percent (85%); and

3. Monitoring criteria—continuously, by exchange;

(B) Orders for regrade of service—

1. Service objective—that ninety-five percent (95%) of such orders not requiring substantial construction shall be completed within thirty (30) days after the date on which the customer ordered the service, except delays made at the request of the customer;

2. Surveillance level—ninety percent (90%); and

3. Monitoring criteria—continuously, by exchange;

(C) Installation and regrade commitments—

1. Service objective—that ninety-five percent (95%) of commitments for installation of basic local telecommunications service and regrade of service shall be met, except for customer-caused delays and natural disasters;

2. Surveillance level—ninety percent (90%); and

3. Monitoring criteria—continuously, by exchange; and

(D) Operator assisted calls—

1. Service objective—that one hundred percent (100%) of operator assisted calls, including directory assistance, shall be answered on average within six (6) seconds;

2. Surveillance level—eight (8) seconds; and

3. Monitoring criteria—continuously, on a company-wide basis;

(E) Customer assistance calls—

1. Service objective—that the average speed of answer for calls to the business office or repair bureau shall be fifteen (15) seconds;

2. Surveillance level—that average speed of answer for calls to the business office or repair bureau exceeding twenty (20) seconds on a continuous basis indicates a need for investigation and corrective action; and

3. Monitoring criteria—continuously if possible, on a company-wide basis;

(F) Originating switched calls—

1. Service objective—that ninety-eight percent (98%) of calls shall receive a dial tone within three (3) seconds;

2. Surveillance level—ninety-seven and four-tenths percent (97.4%); and

3. Monitoring criteria—continuously, if possible, or based on at least twenty-five (25) test calls, by exchange;

(G) Local exchange switched call completion—

1. Service objective—that ninety-eight percent (98%) of local exchange switched calls shall be completed without encountering a blockage or equipment busy condition;

2. Surveillance level—ninety-five percent (95%); and

3. Monitoring criteria—continuously, if possible, or based on at least twenty-five (25) test calls, by exchange;

(H) Interexchange switched call completion—

1. Service objective—that ninety-eight percent (98%) of interexchange switched calls shall be completed without encountering a blockage or equipment busy condition;

2. Surveillance level—ninety-five percent (95%); and

3. Monitoring criteria—continuously, if possible, or based on at least twenty-five (25) test calls, by exchange; and

(I) Customer trouble reports—

1. Frequency—

A. Service objective—that the frequency shall not exceed six (6) reports for every one hundred (100) access lines each month;

B. Surveillance level—eight (8) reports;

C. Monitoring criteria—monthly, by exchange; and

D. The service objective and surveillance levels do not apply to trouble caused by CPE and inside wire or when the report is a duplicate or subsequent report of the same access line;

2. Clearing time—

A. Service objective—that ninety percent (90%) of out-of-service trouble not requiring unusual repair shall be cleared within twenty-four (24) hours;

B. Surveillance level—eighty-five percent (85%); and

C. Monitoring criteria—monthly by exchange; and

3. Repair commitments—

A. Service objective—that ninety percent (90%) of commitments for clearing trouble shall be met, except for customer-caused delays and natural disasters;

B. Surveillance level—eighty-five percent (85%); and

C. Monitoring criteria—monthly, by exchange.

AUTHORITY: sections 386.040, RSMo 1994 and 386.250, 386.310 and 392.200, Supp. RSMo 1998. Original rule filed Dec. 11, 1975, effective Dec. 23, 1975. Amended: Filed Dec. 12, 1977, effective July 13, 1978. Amended: Filed Aug. 13, 1984, effective Nov. 15, 1984. Rescinded and readopted: Filed Jan. 5, 1999, effective Sept. 30, 1999.*

**Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; 386.310, RSMo 1939, amended 1979, 1989, 1996; and 392.200, RSMo 1939, amended 1987, 1988, 1996.*

4 CSR 240-32.090 Connection of Equipment and Inside Wiring to the Telecommunications Network

PURPOSE: This rule sets forth conditions under which telecommunications companies may disconnect equipment and inside wiring connected to the telecommunications network.

(1) No company shall knowingly permit connection to or operation over the telecommunications network of an automated dialing-announcing device used for solicitation purposes where—

(A) Calls initiated by the device cannot be terminated at will by the called party and dial tone restored to the called party promptly upon termination of the call by the called party; or

(B) Any prerecorded message issued by the automated dialing-announcing device is not preceded by an announcement which states the name and address of the calling party, the purpose of the message and that the message is coming from automated equipment.

(2) Should terminal equipment, inside wiring, plugs and jacks, or protective circuitry cause harm to the telecommunications network, or should a company reasonably determine that such harm is imminent, the company shall, where practicable, notify the customer that temporary discontinuance of service may be required; however, wherever prior notice is not practicable, the company may temporarily discontinue service forthwith, if such action is reasonable under the circumstances. In case of such temporary discontinuance, the company shall—

(A) Promptly notify the customer of such temporary discontinuance;

(B) Afford the customer the opportunity to correct the situation which gave rise to the temporary discontinuance; and

(C) Inform the customer of the customer's right to bring a complaint to the commission.

AUTHORITY: sections 386.040, RSMo 1994 and 386.250, 386.310 and 392.200 Supp. 1998. Original rule filed July 13, 1978, effective Jan. 13, 1979. Rescinded and readopted: Filed Jan. 5, 1999, effective Sept. 30, 1999.*

**Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; 386.310, RSMo 1939, amended 1979, 1989, 1996; and 392.200, RSMo 1939, amended 1987, 1988, 1996.*

4 CSR 240-32.100 Provision of Basic Local and Interexchange Telecommunications Service

PURPOSE: This rule prescribes the minimum technologies and service features constituting basic local and interexchange telecommunications service as provided by basic local telecommunications companies.

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

(1) Each basic local telecommunications company shall provide all the minimum elements necessary for basic local interexchange telecommunications service prescribed in this rule.

(2) The following technologies and service features shall constitute the minimum elements necessary for basic local and interexchange telecommunications service:

(A) Single line service;

(B) Availability of dual tone multifrequency signaling;

(C) Electronic switching with Enhanced 911 (E-911) access capability or an enhanced version thereof;

(D) Digital interoffice transmission between central office buildings;

(E) Penetration of the International Telephone and Telegraph Consultative Committee's Signaling System Number Seven (CCITT SS7), or an enhanced version

thereof, down to the tandem level of the switching hierarchy;

(F) Availability of custom calling features including, but not limited to, call waiting, call forwarding, three (3)-way calling and speed dialing; and

(G) Equal access in the sense of dialing parity and presubscription among interexchange telecommunications companies for calling within and between local access and transport areas (intraLATA and interLATA presubscription).

(3) IntraLATA equal access presubscription will be conducted as ordered by the commission.

(4) The interLATA equal access presubscription and processes shall be conducted in accordance with the requirements of the Federal Communications Commission (FCC) as set forth in 101 FCC2d 917 (1985), 101 FCC2d 935 (1985) and 102 FCC2d 505 (1985). These FCC orders are hereby incorporated by reference and made a part of this rule.

(5) A company that is presently modernizing under an order of the commission pursuant to a plan filed in Case No. TO-93-309, shall implement the technologies and service features listed in section (2) as ordered by the commission. Those companies are hereby granted a waiver of time to complete modernization until the date previously ordered by the commission.

(6) Upon proper application and after due notice, the commission may waive any provision of this rule for good cause shown.

AUTHORITY: sections 386.040, RSMo 1994 and 386.250, 386.310 and 392.200, RSMo Supp. 1998. Original rule filed Dec. 31, 1991, effective Dec. 3, 1992. Rescinded and readopted: Filed Jan. 5, 1999, effective Sept. 30, 1999.*

**Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; 386.310, RSMo 1939, amended 1979, 1989, 1996; and 392.200, RSMo 1939, amended 1987, 1988, 1996.*

4 CSR 240-32.110 Surety Bonding Requirements for Basic Local Telecommunications Companies
(Rescinded December 30, 2000)

AUTHORITY: sections 386.040, RSMo 1994 and 386.250 and 392.200, RSMo Supp. 1998. Original rule filed Aug. 24, 1999,

effective April 30, 2000. Rescinded: Filed June 29, 2000, effective Dec. 30, 2000.

4 CSR 240-32.120 Snap-Back Requirements for Basic Local Telecommunications Companies

PURPOSE: This rule establishes provisions for ensuring that basic local telecommunications service customers receive uninterrupted service from the carrier-of-last-resort should the customer's basic local telecommunications service company cease operations.

(1) To ensure uninterrupted service to basic local telecommunication service customers, a basic local telecommunications company reselling the services of a carrier-of-last-resort shall provide an immediate and orderly transition of its resale customers to a carrier-of-last-resort in the event the company ceases operation or otherwise terminates service to the end-user customer for any reason other than cause as provided for in its tariffs and approved by the commission.

(2) If a provider of basic local telecommunications service, serving a customer through resale of a carrier-of-last-resort's services, ceases service, it shall immediately, but in no event later than thirty (30) days prior to its last day of service, provide the carrier-of-last-resort all relevant information to ensure that the end-user customer will not experience a service outage. The provider of basic local telecommunications service shall also send a notice to its end-users advising them of its intention to cease doing business and that such end-users must choose another basic local service provider. The notice shall further indicate that failure to choose another provider may result in the carrier-of-last-resort providing service during a thirty (30)-day interim period until such a choice is made and that failure to choose another provider within thirty (30) days after the transition shall result in a loss of service. The customer's intraLATA and/or interLATA carrier of choice will be continued if available. If it is not available, the carrier-of-last-resort will provide access to any carrier it selects until the customer notifies the carrier-of-last-resort in writing of a new carrier selection.

(3) The carrier-of-last-resort will immediately accept the resale customers of a provider of basic local telecommunications service, providing service through resale, that ceases operation or otherwise terminates service to the end-user customer for any reason other than cause as provided for in its tariffs and approved by the commission. The carrier-of-

last-resort shall provide the end-user identical or equivalent service during a thirty (30)-day interim period, or until the end-user chooses another provider. The rates and terms for the service supplied will be provided according to the carrier-of-last-resort's approved tariff, except that the payment or credit history of the customer shall not permit the carrier-of-last-resort to refuse to provide service during the transition period. Within thirty days after transfer of the customer, the customer must make an affirmative choice to stay with the new carrier or select another carrier. The carrier-of-last-resort is not obligated to provide service to the customer beyond the thirty (30)-day interim period. If the customer does not choose a new carrier, the carrier-of-last-resort may immediately terminate service to the customer notwithstanding any other requirements in its tariffs.

(4) If there is more than one carrier-of-last-resort in a service territory, customers of the basic local telecommunications company that has ceased operation shall be transferred to the carrier-of-last-resort whose services are being resold.

(5) The carrier-of-last-resort shall notify the customer of the temporary change of service provider, the applicable rates that will be charged the customer, and that the customer has thirty (30) days to make a choice of a preferred service provider. Such notice shall be given no later than the carrier-of-last-resort's initial bill to the affected customer. The information regarding rates may be provided in such bill. The notice shall also provide that within thirty (30) days after transfer of a customer, the customer must make an affirmative choice to stay with the new carrier or select another carrier. If no choice is made, the current carrier may terminate service, notwithstanding any additional notice requirements contained in its tariffs.

(6) No good faith effort to comply with this rule shall be grounds for a claim of unwanted or unlawful provision of service, i.e. slamming or cramming, provided that the carrier-of-last-resort shall convert the end-user in an orderly fashion to their carrier of choice when an order is received from the end-user's provider of choice.

AUTHORITY: sections 386.040, RSMo 1994 and 386.250 and 392.200, RSMo Supp. 1998.* Original rule filed Aug. 24, 1999, effective April 30, 2000.

*Original authority: 386.040, RSMo 1939; 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987,

1988, 1991, 1993, 1995, 1996; 392.200, RSMo 1939, amended 1987, 1988, 1996.

4 CSR 240-32.130 General Provisions—Prepaid Interexchange Calling Services

PURPOSE: This rule sets forth the applicability of the rules comprising 4 CSR 240-32.130 through 4 CSR 240-32.170.

(1) This rule, and other rules comprising 4 CSR 240-32.130 through 4 CSR 240-32.170, shall apply to companies that provide prepaid calling interexchange services to the public: (a) using their own facilities; or, (b) reselling the services of another telecommunications company.

AUTHORITY: sections 386.040, 386.250 and 392.200, RSMo 2000.* Original rule filed Dec. 29, 2000, effective Aug. 30, 2001.

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

4 CSR 240-32.140 Definitions—Prepaid Interexchange Calling Services

PURPOSE: This rule defines terms used in the rules comprising 4 CSR 240-32.130 through 4 CSR 240-32.170.

(1) Commission—The Missouri Public Service Commission.

(2) Company—Any telecommunications company providing prepaid calling services to the public: (a) using its own facilities; or, (b) reselling the services of another telecommunications company.

(3) Customer—Any end user inquiring about or purchasing prepaid calling services.

(4) Customer Service—A set of services which are available to the prepaid calling service user 24 hours a day, seven days a week via a domestic toll-free number.

(5) Prepaid Calling Services (PCS or Services)—Prepaid telecommunications service that allows end users to originate calls through an access number and authorization code, whether manually or electronically dialed.

(6) Prepaid Calling Card (Card)—Any object containing an access number and authorization code that enables an end user to use PCS. This includes, but is not limited to,

retail and collectible calling cards. Promotional calling cards become prepaid calling cards when the consumer must purchase prepaid calling services at the time of issuance or at some time in the future in order to use the promotional card.

AUTHORITY: sections 386.040, 386.250 and 392.200, RSMo 2000. Original rule filed Dec. 29, 2000, effective Aug. 30, 2001*

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

4 CSR 240-32.150 Qualifications for and Responsibilities of the Prepaid Calling Services

PURPOSE: This rule establishes the qualifications for and the responsibilities of the PPCS company.

(1) A company shall not provide prepaid calling services (PPCS) without first obtaining a certificate of service authority to provide interexchange telecommunications services and having an approved tariff on file at the commission.

(2) The company name used on prepaid calling cards and/or the prepaid card packaging shall be identical to the name in which the certificate and tariff are issued.

(3) A “doing business as” (d/b/a) name may be used on all prepaid calling cards and/or prepaid Card packaging if the d/b/a is registered with the Missouri Secretary of State as a fictitious name and the d/b/a is reflected on the certificate and the tariff prior to providing the service.

(4) All prepaid calling services charges, surcharges and fees subject to Missouri Public Service Commission jurisdiction shall be no more than the company’s Missouri-tariffed rates.

(5) If a company uses billing increments other than per minute rates, the billing increment must be defined in the company’s Missouri tariff.

AUTHORITY: sections 386.040, 386.250 and 392.200, RSMo 2000. Original rule filed Dec. 29, 2000, effective Aug. 30, 2001.*

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

4 CSR 240-32.160 Customer Disclosure Requirements

PURPOSE: This rule establishes customer disclosure requirements.

(1) Company shall provide the following information to the customer before purchase. The information may be disclosed on the prepaid calling card, prepaid calling card packaging, visible display at the point of sale or in the presale document.

(A) The certificated name of the company providing prepaid calling services (PPCS) as provided for by 4 CSR 240-32.150.

(B) The maximum domestic per minute rate or the maximum charge per billing increment plus all applicable surcharges or taxes and any added relevant variables. If a company uses billing increments other than per minute rates, the billing increment must be defined.

(C) Any expiration policy or date.

(2) Company shall disclose the following information to the customer, either on the prepaid calling card or through an insert, after purchase.

(A) The certificated name of the company providing PPCS as provided for by 4 CSR 240-32.150.

(B) A toll-free customer service number.

(C) A toll-free or local network access number.

(D) An authorization code, if required to access the network.

(E) Any expiration policy or date.

(3) Company shall provide through its toll-free customer service number, the following information to the customer.

(A) The maximum domestic rate including all applicable surcharges or taxes and any added relevant variables, the maximum charge per billing increment or an appropriate method for the service user to calculate the domestic cost per minute plus all applicable surcharges or taxes and any added relevant variables.

(B) Any expiration policy or date.

(4) The company shall notify its retailers and distributors that customer disclosure information as set forth in 4 CSR 240-32.160(1) is required.

(5) Each company shall provide a live operator to answer all incoming calls 24 hours a day, 7 days a week or each company shall electronically voice-record end user complaints. If an electronic voice-recorder is used:

(A) The company shall attempt to contact each complainant no later than the next business day following the date of the recording.

AUTHORITY: sections 386.040, 386.250 and 392.200, RSMo 2000. Original rule filed Dec. 29, 2000, effective Aug. 30, 2001.*

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

4 CSR 240-32.170 Standards for Prepaid Calling Service

PURPOSE: This rule establishes standards for prepaid calling services.

(1) The company shall not reduce the balance on the card by more than the charges printed on the card, packaging, visible display at the point of sale and in any presale documentation.

(2) Service may be recharged by the customer at a rate higher than the rate at initial purchase or last recharge. The higher rate and surcharges shall be no more than the rates and surcharges in the tariff and the customer shall be informed of the higher charges at the time of recharge.

(3) Increments charged to the prepaid calling card shall be expressed in minutes of use, units, dollars, or fractions thereof.

(4) Each company shall only charge for conversation time plus applicable disclosed surcharges. Conversation time begins when the called party answers the call and ends when either party terminates the call.

(5) When a company ceases operations in the state of Missouri, the company must:

(A) Provide the commission with 30 days advance notice in writing and include proof of customer notification.

(B) At least 30 days before termination, provide written notice to customers at the address on file with the company, if applicable, indicating that service will be ending and explain how customers may receive a refund on any unused service.

(C) Beginning at least 15 days before termination, provide oral notice of termination at the beginning of each call originated in Missouri, including the date of termination and a toll-free number to call for more information.

(D) Provide information to customer via its customer service number and the toll-free number outlining the procedure for obtaining

refunds and continue to provide this information for 60 days from the date the company ceases operations in Missouri.

(6) Each company shall have a refund policy that meets the following minimum requirements:

(A) If a company is no longer able to provide service and the prepaid calling card is deemed no longer usable and has not exceeded the expiration period of the card, the company shall provide a refund to the customer in an amount equal to the value remaining on the account.

(B) Refunds may be cash or replacement service, at the company's option. The company must provide the refund to the customer within 60 days of notification by the customer.

(7) Conversation time of less than a full minute shall be rounded to no more than the next full minute.

(8) Services without a specific expiration period printed on the card, and with a balance remaining, shall be considered active for a minimum of one year from the date of first use, or if recharged one year from the date of the last recharge.

(9) All services sold in Missouri must comply with 4 CSR 240-32.130 through 4 CSR 240-32.170 six months after the effective date of the rules.

*AUTHORITY: sections 386.040, 386.250 and 392.200, RSMo 2000. * Original rule filed Dec. 29, 2000, effective Aug. 30, 2001.*

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