

FIRST REGULAR SESSION

# HOUSE BILL NO. 331

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES MILLER (Sponsor) AND FUNDERBURK (Co-sponsor).

1283L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 392.420, RSMo, and to enact in lieu thereof one new section relating to telecommunications.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 392.420, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 392.420, to read as follows:

392.420. The commission is authorized, in connection with the issuance or modification of a certificate of interexchange or local exchange service authority or the modification of a certificate of public convenience and necessity for interexchange or local exchange telecommunications service, to entertain a petition to suspend or modify the application of its rules or the application of any statutory provision contained in sections 392.200 to 392.340 if such waiver or modification is otherwise consistent with the other provisions of sections 392.361 to 392.520 and the purposes of this chapter. In the case of an application for certificate of service authority to provide basic local telecommunications service filed by an alternative local exchange telecommunications company, and for all existing alternative local exchange telecommunications companies, the commission shall waive, at a minimum, the application and enforcement of its quality of service and billing standards rules, as well as the provisions of subsection 2 of section 392.210, subsection 1 of section 392.240, **subsections 1 and 4 of section 392.245**, and sections 392.270, 392.280, 392.290, 392.300, 392.310, 392.320, 392.330, and 392.340. Notwithstanding any other provision of law in this chapter and chapter 386, where an alternative local exchange telecommunications company is authorized to provide local exchange telecommunications services in an incumbent local exchange telecommunications company's authorized service area, the incumbent local exchange telecommunications company may opt into all or some of the

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 above-listed statutory and commission rule waivers by filing a notice of election with the  
19 commission that specifies which waivers are elected. In addition, where an interconnected voice  
20 over internet protocol service provider is registered to provide service in an incumbent local  
21 exchange telecommunications company's authorized service area under section 392.550, the  
22 incumbent local exchange telecommunications company may opt into all or some of the  
23 above-listed statutory and commission rule waivers by filing a notice of election with the  
24 commission that specifies which waivers are elected. The commission may reimpose its quality  
25 of service and billing standards rules, as applicable, on an incumbent local exchange  
26 telecommunications company but not on a company-granted competitive status under  
27 subdivision (7) of subsection 5 of section 392.245 in an exchange where there is no alternative  
28 local exchange telecommunications company or interconnected voice over internet protocol  
29 service provider that is certificated or registered to provide local voice service only upon a  
30 finding, following formal notice and hearing, that the incumbent local exchange  
31 telecommunications company has engaged in a pattern or practice of inadequate service. Prior  
32 to formal notice and hearing, the commission shall notify the incumbent local exchange  
33 telecommunications company of any deficiencies and provide such company an opportunity to  
34 remedy such deficiencies in a reasonable amount of time, but not less than sixty days. Should  
35 the incumbent local exchange telecommunications company remedy such deficiencies within a  
36 reasonable amount of time, the commission shall not reimpose its quality of service or billing  
37 standards on such company.

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