

FIRST REGULAR SESSION

SENATE BILL NO. 237

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR EMERY.

Read 1st time January 30, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

1304S.01I

AN ACT

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

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Section A. Section 392.420, RSMo, is repealed and one new section
2 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
2 or modification of a certificate of interexchange or local exchange service
3 authority or the modification of a certificate of public convenience and necessity
4 for interexchange or local exchange telecommunications service, to entertain a
5 petition to suspend or modify the application of its rules or the application of any
6 statutory provision contained in sections 392.200 to 392.340 if such waiver or
7 modification is otherwise consistent with the other provisions of sections 392.361
8 to 392.520 and the purposes of this chapter. In the case of an application for
9 certificate of service authority to provide basic local telecommunications service
10 filed by an alternative local exchange telecommunications company, and for all
11 existing alternative local exchange telecommunications companies, the
12 commission shall waive, at a minimum, the application and enforcement of its
13 quality of service and billing standards rules, as well as the provisions of
14 subsection 2 of section 392.210, subsection 1 of section 392.240, **subsections 1**
15 **and 4 of section 392.245**, and sections 392.270, 392.280, 392.290, 392.300,
16 392.310, 392.320, 392.330, and 392.340. Notwithstanding any other provision of
17 law in this chapter and chapter 386, where an alternative local exchange
18 telecommunications company is authorized to provide local exchange
19 telecommunications services in an incumbent local exchange telecommunications
20 company's authorized service area, the incumbent local exchange

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

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