

SECOND REGULAR SESSION

# SENATE BILL NO. 858

89TH GENERAL ASSEMBLY

INTRODUCED BY SENATORS LYBYER, HOWARD, STAPLES,  
WESTFALL, RUSSELL, MATHEWSON AND JOHNSON.

Read 1st time February 2, 1998, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S3624.01I

## AN ACT

To amend chapter 392, RSMo, by adding thereto one new section relating to telecommunications.

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

Section A. Chapter 392, RSMo, is amended by adding thereto one new section, to be known as section 392.545, to read as follows:

**392.545. 1. There is hereby established an optional expanded calling plan which shall set a flat rate for two-way unlimited calling between certain qualified exchanges and their target exchanges. The plan shall be available, upon request, to any subscriber in a qualified exchange from the incumbent local exchange telecommunications company and may be offered by alternative local exchange telecommunications companies.**

**2. A qualified exchange shall meet a community of interest standard as provided in this section. The exchange shall satisfy both of the following conditions:**

**(1) The exchange shall have an average of at least six calls per access line per month from the petitioning exchange to the target exchange; and**

**(2) At least two-thirds of the customers in the petitioning exchange shall make at least two calls to the target exchange per month.**

**3. Any optional expanded calling plan established by the commission and in existence on January 1, 1998 shall be continued pursuant to terms, conditions and tariffs in effect on that date, or if no longer in effect on the effective date of this section, shall be hereby reinstated beginning on the effective date of this section. All qualified exchanges established and in effect on January 1, 1998 shall be in full force and effect when the calling plan becomes effective pursuant to this subsection.**

**4. Except as otherwise provided in this section, monthly rates for the optional**

**expanded calling plan established pursuant to this section shall be as follows:**

**(1) For plans which target a metropolitan exchange which includes all or a part of a city with a population in excess of three hundred thousand persons:**

- (a) Thirty-seven dollars and eighty cents for residential lines; and**
- (b) Eighty dollars and twenty cents for business lines;**

**(2) For plans which target a metropolitan exchange which includes all or a part of a city with a population not in excess of three hundred thousand persons:**

- (a) Twenty-four dollars and fifty cents for residential lines; and**
- (b) Fifty dollars and fifty cents for business lines; and**

**(3) For plans which do not target a metropolitan exchange:**

- (a) Sixteen dollars for residential lines; and**
- (b) Thirty-three dollars and fifty cents for business lines.**

**5. The public counsel or a city or county containing all or part of an exchange may request and it shall be the duty of the commission to conduct an investigation with respect to determining that an exchange is qualified to have an optional expanded calling plan with a designated target exchange or whether the rates established for such an optional expanded calling plan are just and reasonable, or both. No existing optional expanded calling plan may be terminated nor may the rates be increased above the amounts specified in subsection 4 of this section unless the commission determines that there is effective competition in the exchange with respect to that service. For the purposes of this section, "effective competition" shall mean, at a minimum, that at least one similar or substitutable calling plan is offered by an alternative local exchange telecommunications company and is available in the exchange at a rate no more than one hundred percent higher than the rate established for that exchange and target exchange pursuant to this section.**

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