

**MATT BLUNT**  
Secretary of State  
Administrative Rules Division  
**RULE TRANSMITTAL**

\*Administrative Rules Stamp

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**COPY**  
JAN 29 2004  
SECRETARY OF STATE  
ADMINISTRATIVE RULES

A "SEPARATE" rule transmittal sheet must be used for EACH individual rulemaking.

A. Rule Number 4 CSR 240-18.010  
Diskette File Name Final Rule 18.010 Word 2000  
Name of Person to call with questions about this rule:  
Content Warren Wood Phone 573-751-2978 FAX 573-751-9285  
Data Entry Susan Sundermeyer Phone 573-751-4335 FAX Same as above  
Email Address warren.wood@psc.mo.gov  
Interagency Mailing Address Governor Office Building, 200 Madison St., 7th Floor, Jefferson City, MO  
Statutory Authority 386.310, 394.160 Current RSMo date 2000  
Date Filed With the Joint Committee on Administrative Rules Exempt per Sections 536.024 and 536.037, RSMo 2000, and Executive Order No. 97-97 (June 27, 1997)

B. CHECK, IF INCLUDED:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> This transmittal completed | <input type="checkbox"/> Incorporation by reference materials, if any |
| <input checked="" type="checkbox"/> Cover letter               | <input type="checkbox"/> Authority with history of the rule           |
| <input type="checkbox"/> Affidavit                             | <input type="checkbox"/> Public cost                                  |
| <input type="checkbox"/> Forms, number of pages <u>    </u>    | <input type="checkbox"/> Private cost                                 |
| <input type="checkbox"/> Fiscal notes                          | <input type="checkbox"/> Hearing and comment period                   |

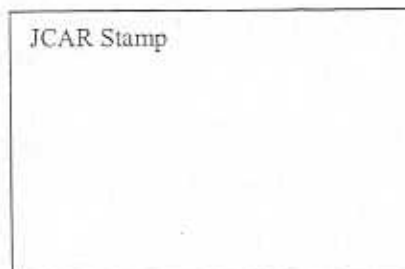
C. RULEMAKING ACTION TO BE TAKEN

- ☐ Emergency Rulemaking, (check one) ☐ rule ☐ amendment ☐ rescission ☐ termination  
**MUST** include effective date
- ☐ Proposed Rulemaking (check one) ☐ rule ☐ amendment ☐ rescission
- ☒ Order of Rulemaking (check one) ☐ rule ☒ amendment ☐ rescission ☐ termination  
**MUST** complete page 2 of this transmittal
- ☐ Withdrawal (check one) ☐ rule ☐ amendment ☐ rescission ☐ emergency
- ☐ Rule action notice
- ☐ In addition
- ☐ Rule under consideration

D. SPECIFIC INSTRUCTIONS: Please indicate any special instructions (e.g., publication date preference, identify material to be incorporated by reference, or forms included herein).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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**RULE TRANSMITTAL (PAGE 2)**

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E. ORDER OF RULEMAKING: Rule Number \_\_\_\_\_

1a. Effective Date for the Order

☒ Statutory 30 days

Specific date \_\_\_\_\_

1b. Does the Order of Rulemaking contain changes to the rule text?

☐ YES

☒ NO

1c. If the answer is YES, please complete section F. If the answer is NO, **STOP** here.

F. Please provide a complete list of the changes in the rule text for the order of rulemaking, indicating the specific section, subsection, paragraph, subparagraph, part, etc., where each change is found. It is especially important to identify the parts of the rule that are being deleted in this order of rulemaking. This is not a reprinting of your order, but an explanation of what sections, subsections, etc. have been changed since the original proposed rule was filed.

(Start text here. If text continues to a third page, insert a continuous section break and, in section 3, delete the footer text. DO NOT delete the header, however.)

NOTE: ALL changes MUST be specified here in order for those changes to be made in the rule as published in the *Missouri Register* and the *Code of State Regulations*.

Add additional sheet(s), if more space is needed.



Commissioners

STEVE GAW  
Chair

CONNIE MURRAY

ROBERT M. CLAYTON III

*Missouri Public Service Commission*

POST OFFICE BOX 360  
JEFFERSON CITY MISSOURI 65102  
573-751-3234  
573-751-1847 (Fax Number)  
<http://www.psc.state.mo.us>

ROBERT J. QUINN, JR.  
Executive Director

WESS A. HENDERSON  
Director, Utility Operations

ROBERT SCHALLENBERG  
Director, Utility Services

DONNA M. PRENGER  
Director, Administration

DALE HARDY ROBERTS  
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE  
General Counsel

January 29, 2004

Hon. Matt Blunt  
Secretary of State  
Administrative Rules Division  
600 West Main Street  
Jefferson City, MO 65101

Dear Secretary Blunt:

Re: 4 CSR 240-18.010 Safety Standards for Electric Utilities, Telecommunications  
Companies and Rural Electric Cooperatives

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the order of rulemaking lawfully submitted by the Missouri Public Service Commission on this 27th day of January 2004.

Statutory Authority: sections 386.310 and 394.160

If there are any questions regarding the content of this order of rulemaking, please contact:  
Dennis Frey, P.O. Box 360, Jefferson City, MO 65102, 573-751-8700,  
[denny.frey@psc.mo.gov](mailto:denny.frey@psc.mo.gov).

Sincerely,

Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

DF/sls

**Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 240 – Public Service Commission**  
**Chapter 18 – Safety Standards**

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SECRETARY OF STATE  
ADMINISTRATIVE RULES

**ORDER OF RULEMAKING**

By the authority vested in the Public Service Commission under sections 386.310 and 394.160, RSMo 2000, the Public Service Commission amends a rule as follows:

**4 CSR 240-18.010 is amended.**

A notice of the proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 17, 2003 (*Missouri Register*, Vol. 28, No. 22). This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing on this proposed amendment was held December 30, 2003, and the public comment period ended December 17, 2003. At the public hearing, Warren Wood, Manager of the Energy Department of the Public Service Commission of Missouri, briefly explained the development of the proposed amendment. Michael F. Barnes, attorney for Union Electric Company, testified in support of the adoption of the 2002 edition of the National Electric Safety Code. Michael F. Barnes, attorney for Union Electric Company and Dean L. Cooper, attorney on behalf of The Empire District Electric Company, testified in opposition to the reference to the incident reporting requirements proposed in 4 CSR 240-3.190(4). Both Union Electric Company and The Empire District Electric Company also provided comments in the proposed amendment 4 CSR 240-3.190 rulemaking proceeding.

**RESPONSE:** The only comments related to this amendment provided in this rulemaking proceeding were either in support of the NESC code update or in opposition to the reference to the incident reporting requirements in 4 CSR 240-3.190(4). The Commission finds that the reference to the incident reporting requirements in the proposed amendment is appropriate as it provides a cross-reference to the reporting requirement in the safety standards rule. The Commission did not incorporate changes to the proposed amended rule as a result of the comments in opposition to the rule provided in this rulemaking proceeding, and the rule will be adopted as it appeared when published in the *Missouri Register* on November 17, 2003.

# MEMORANDUM

TO: Dale Hardy Roberts, Secretary


DATE: January 22, 2004

RE: Authorization to File Final Order of Rulemaking for  
4 CSR 240-18.010 with the Office of the Secretary of State

CASE NO: EX-2003-0368

The undersigned Commissioners hereby authorize the Secretary of the Missouri Public Service Commission to file with the Office of the Secretary of State, to wit:


4 CSR 240-18.010 Safety Standards for Electric Utilities,  
Telecommunications Companies and Rural Electric Cooperatives



Steve Gaw, Chair



Connie Murray, Commissioner



Robert M. Clayton III, Commissioner