

**FILED**  
**February 14, 2008**  
**Data Center**  
**Missouri Public**  
**Service Commission**



**Robin Carnahan**  
**Secretary of State**

**Administrative Rules Division**  
**Rulemaking Transmittal Receipt**

Rule ID: 8294  
Date Printed: 2/11/2008  
Rule Number: 4 CSR 240-40.020  
Rulemaking Type: Final Order Amendment  
Date Submitted to Administrative Rules Division: 2/11/2008  
Date Submitted to Joint Committee on Administrative Rules: 1/8/2008

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Name of Person to Contact with questions concerning this rule:

Content: Cully Dale

Phone: 751-4255

Email: [cully.dale@psc.mo.gov](mailto:cully.dale@psc.mo.gov)

Fax: NA

RuleDataEntry:

Phone:

Email:

Fax:

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Included with Rulemaking:

Cover Letter

2/11/2008

Print Close

# Robin Carnahan

Secretary of State  
Administrative Rules Division

## RULE TRANSMITTAL

Administrative Rules Stamp

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FEB 11 2008

SECRETARY OF STATE  
ADMINISTRATIVE RULES

Rule Number 4 CSR 240-40.020

Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:

Content Cully Dale Phone 573-751-4255 FAX

Email address cully.dale@psc.mo.gov

Data Entry same Phone  FAX

Email address

Interagency mailing address Public Service Comm'n, Governor Ofc Bldg, 9<sup>th</sup> Fl, Jeff City

### TYPE OF RULEMAKING ACTION TO BE TAKEN

☐ Emergency rulemaking, include effective date

☐ Proposed Rulemaking

☐ Withdrawal ☐ Rule Action Notice ☐ In Addition ☐ Rule Under Consideration

☒ Order of Rulemaking

Effective Date for the Order

☒ Statutory 30 days OR Specific date

Does the Order of Rulemaking contain changes to the rule text? ☒ NO

☐ YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

Small Business Regulatory  
Fairness Board (DED) Stamp

JCAR Stamp

JOINT COMMITTEE ON

JAN 08 2008

ADMINISTRATIVE RULES



**Commissioners**

**JEFF DAVIS**  
Chairman

**CONNIE MURRAY**

**TERRY JARRETT**

**ROBERT M. CLAYTON III**

**LINWARD "LIN" APPLING**

***Missouri Public Service Commission***

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**WESS A. HENDERSON**  
Executive Director

**DANA K. JOYCE**  
Director, Administration

**ROBERT SCHALLENBERG**  
Director, Utility Services

**NATELLE DIETRICH**  
Director, Utility Operations

**COLLEEN M. DALE**  
Secretary/Chief Regulatory Law Judge

**KEVIN A. THOMPSON**  
General Counsel

February 11, 2008

Honorable Robin Carnahan  
Secretary of State  
Administrative Rules Division  
600 West Main Street  
Jefferson City, Missouri 65101

Dear Secretary Carnahan:

Re: **4 CSR 240-40.020 Incident, Annual and Safety-Related Condition Reporting Requirements.**

**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 for filing on this 11<sup>th</sup> day of February, 2008.

Statutory Authority: Sections 386.250(6) RSMo 2000

If there are any questions regarding the content of this order of rulemaking, please contact:

Colleen M. Dale, Secretary  
Missouri Public Service Commission  
200 Madison Street, P.O. Box 360  
Jefferson City, MO 65102  
(573) 751-4255  
[cully.dale@psc.mo.gov](mailto:cully.dale@psc.mo.gov)

BY THE COMMISSION

Colleen M. Dale  
Secretary  
Missouri Public Service Commission



Commissioners

JEFF DAVIS  
Chairman

CONNIE MURRAY

TERRY JARRETT

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February 11, 2008

Honorable Robin Carnahan  
Secretary of State  
Administrative Rules Division  
600 West Main Street  
Jefferson City, Missouri 65101

Re: **4 CSR 240-40.020 and .030**

Dear Secretary Carnahan:

This letter pertains to the January 29 telephone discussion between John Kottwitz of the PSC Staff and Sally Reid. It was discussed and agreed that certain sentences that have been in the Publisher's Note for each rule since 1989 would be retained and published as an Agency Note. Ms. Reid requested that the language for the notes be forwarded in a letter with the Orders of Rulemaking, which are as follows:

Rule 4 CSR 240-40.020

*AGENCY NOTE: This rule is similar to the Minimum Federal Safety Standards contained in 49 CFR part 191, Code of Federal Regulations. Parallel citations to Part 191 are provided for gas operator convenience and to promote public safety.*

Rule 4 CSR 240-40.030

*AGENCY NOTE: This rule is similar to the Minimum Federal Safety Standards contained in 49 CFR part 192, Code of Federal Regulations. Parallel citations to Part 192 are provided for gas operator convenience and to promote public safety. Appendix E, contained in this rule, is a Table of Contents for 4 CSR 240-40.030.*

These sentences provide information to a regulated person using the rule. We appreciate your cooperation and helpfulness in addressing this issue until we can include this information in the rule text during the next rulemakings.

BY THE COMMISSION

Colleen M. Dale  
Secretary

Missouri Public Service Commission

**Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240 – Public Service Commission  
Chapter 40 – Gas Utilities and Gas 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 386.250 RSMo 2000, the commission amends a rule as follows:

**4 CSR 240-40.020 is amended.**

A notice of proposed rulemaking containing the text of the proposed amendments was published in the *Missouri Register* on November 15, 2007 (32 MoReg 2219). No changes have been made to the proposed amendments, so they are not reprinted here. These proposed amendments become effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on the proposed amendments was held December 17, 2007, and the public comment period ended December 17, 2007. No written comments were received and one (1) person testified at the hearing. The person testifying at the hearing was John Kottwitz on behalf of the staff of the Missouri Public Service Commission. The testimony verified the need for the proposed amendments and generally supported them.

RESPONSE: No changes have been made as a result of these comments.

