

In the Matter of Proposed Amendments to )  
Commission Rule 4 CSR 240-40, Gas Utilities ) Case No. GX-2008-0032  
and Gas Safety Standards )

**COMES NOW** the Staff of the Missouri Public Service Commission (Staff) and files its Memorandum in compliance with Section 536.200.2. In support of this filing Staff states:

2. On October 15, 2007, the MoPSC filed three proposed rulemaking packets with the Secretary of State's office. The three proposed rulemakings were Proposed Amendments for 4 CSR 240-40.020, 4 CSR 240-40.030 and 4 CSR 240-40.080.

4. These rulemakings were adopted by an *Order of Rulemaking* issued by the MoPSC and published in the *Missouri Register* on March 17, 2008, with an effective date of April 30, 2008. The first full fiscal year for these two rulemakings was FY09, which ended on June 30, 2009.

5. Section 536.200<sup>1</sup> requires that a state agency file a fiscal note if the adoption, amendment, or rescission of the rule would result in \$500 of increased costs or decreased revenues for public entities.

6. Section 536.205 of the *Missouri Revised Statutes* requires that a state agency file a fiscal note if the adoption, amendment, or rescission of the rule would result in \$500 of increased costs or decreased revenues for private entities.

7. The three proposed rulemakings in Case No. GX-2008-0032 included statements about the estimated costs to public and private entities as required.

8. Section 536.200.2 further requires for public entity fiscal notes that:

If at the end of the first full fiscal year after the implementation of the rule, amendment, or rescission the cost to all affected entities has exceeded by ten percent or more the estimated cost in the fiscal note or has exceeded five hundred dollars if an affidavit has been filed stating the proposed change will cost less than five hundred dollars, the original estimated cost together with the actual cost during the first fiscal year shall be published by the adopting agency in the Missouri Register within ninety days after the close of the fiscal year. Such costs shall be determined by the adopting agency. If the adopting agency fails to publish such costs as required by this section, the rule, amendment, or rescission shall be void and of no further force or effect.

9. As required by Section 536.200 of the Missouri Revised Statutes, the Staff has reviewed the public entity cost during the first full fiscal year after implementation of the three rulemakings in Case No. GX-2008-0032.

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<sup>1</sup> All references are to RSMO 2008 unless otherwise noted.

10. MoPSC General Procedure GP-1 states that the Staff should investigate the cost to all affected entities and prepare a memorandum showing the investigation results within 30 days after the first full fiscal year. The attached memorandum is intended to meet these provisions in GP-1, and the statutory requirement shown above.

WHEREFORE Staff requests the Commission accept this pleading in compliance with the above noted statutory requirements and with GP-1.

Respectfully submitted,

**/s/ Lera L. Shemwell**

Lera L. Shemwell  
Deputy General Counsel  
Missouri Bar No. 43792

Attorney for the Staff of the  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102  
(573) 751-7431 Telephone)  
(573) 751-9285 (Fax)  
lera.shemwell@psc.mo.gov

#### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, or transmitted by facsimile or electronic mail to all counsel of record this 28<sup>th</sup> day of July 2009.

**/s/ Lera L. Shemwell**