

**BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI**

In the Matter of the Amendment of ) **File No. GX-2018-0279**  
Natural Gas Safety Rules )

## STAFF'S MEMORANDUM

**COMES NOW** Staff of the Missouri Public Service Commission (“Staff”), by and through the undersigned counsel, and respectfully files the attached *Memorandum* pursuant to *General Procedure 1*, stating Staff’s finding that the actual cost rescinding and amending the rules within this docket to public and private entities has not exceeded the estimates by more than 10 percent or, where appropriate, has not exceeded five hundred dollars.

**WHEREFORE**, Staff files this *Memorandum* for the Commission's information and consideration.

Respectfully Submitted,

**/s/ Travis J. Pringle**

**Travis J. Pringle**  
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**Missouri Bar No. 71128**  
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**Missouri Public Service Commission**  
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## CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand delivered, transmitted by facsimile or electronically mailed to all parties and/or counsel of record on this 12<sup>th</sup> day of August, 2020.

/s/ Travis J. Pringle

## **MEMORANDUM**

**TO:** Missouri Public Service Commission Official Case File No. GX-2018-0279

**FROM:** Kathleen A. McNelis, P.E. on behalf of Commission Staff

**SUBJECT:** Staff's Review of Costs Incurred for Rulemakings in the Matter of the Amendment of Natural Gas Safety Rules, Case No. GX-2018-0279, as required by Section 536.200, RSMo and the Commission's General Procedure GP-1

**DATE:** August 12, 2020

The Commission Staff has investigated the cost of implementing the rules rescinded and amended by the Commission through this case, and reports that it has not discovered any information that would show that the cost estimates for the below listed rule rescissions and amendments as published in the *Missouri Register* were inaccurate.

Rules that were rescinded and simultaneously consolidated into 4 CSR 240-40.020 and 4 CSR 240-030 were:

- 4 CSR 240-3.270
- 4 CSR 240-3.280
- 4 CSR 240-3.290
- 4 CSR 240-3.295

Rules amended to conform with amendments to the Code of Federal Regulations (CFR) at 49 CFR parts 191, 192 and 199, and to streamline and clarify the regulations and eliminate duplicative provisions were:<sup>1</sup>

- 4 CSR 240-40.020
- 4 CSR 240-40.030
- 4 CSR 240-40.080

Additionally, the Staff reports that it has not received any information from any party potentially or actually affected by the implementation of the subject rules that would show that the cost estimate to implement the Rules published in the *Missouri Register* was inaccurate.

The Commission's General Procedure GP-1 ("GP-1") requires, among other things, that within 30 days before the end of the first full fiscal year after the implementation of a rule, amendment or rescission, that the Staff is to investigate whether the cost to all affected entities, including the Commission, has exceeded by ten percent or more the estimated cost in the fiscal note, or, where appropriate, has exceeded five hundred dollars.

GP-1 also requires the Staff to prepare a memorandum showing the results of its investigation within thirty (30) days after the end of the first full fiscal year of the implementation of the subject rule, amendment or rescission. If the Staff investigation shows that the costs have not

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<sup>1</sup> Effective August 28, 2019, all of the Commission's regulations were transferred from the Department of Economic Development's (DED) Title 4 to the Department of Commerce and Insurance's (DCI) (formerly Department of Insurance, Financial Institutions and Professional Registration) Title 20. The amended rules can now be found at 20 CSR 4240-40.020, 20 CSR 4240-40.030 and 20 CSR 4240-40.080.

exceeded ten percent for all entities or, where appropriate, the estimated five hundred dollars, Staff's Memorandum shall be entered into EFIS under the rulemaking's docket number.

The Staff's response regarding the accuracy of the published cost estimates is within the time frame specified by Section 536.200.2, RSMo 2016. This statute requires publication in the *Missouri Register* of a report of any excess cost over estimated cost, or cost over five hundred dollars, where appropriate, within 90 days after the close of the "first full fiscal year" after the implementation of the subject rule, amendment or rescission. The rules that were the subject of this case became effective on Jan. 30, 2019. The first full fiscal year after implementation of the rules thus ended on June 30, 2020. Accordingly, September 28, 2020, would represent the 90-day expiration period for the publication of a report regarding excess cost information in the *Missouri Register*. Since the Staff's investigation indicates that the published cost estimates related to the changes in the rule have not been exceeded, no *Missouri Register* publication is required under Section 536.200.2, RSMo 2016.

**BEFORE THE PUBLIC SERVICE COMMISSION**  
**OF THE STATE OF MISSOURI**

In the Matter of the Amendment of Natural     )  
Gas Safety Rules                                     )     **File No. GX-2018-0279**

**AFFIDAVIT OF KATHLEEN A. MCNELIS, PE**

STATE OF MISSOURI     )  
                                   )     ss.  
COUNTY OF COLE     )

**COMES NOW** Kathleen A. McNelis, PE, and on her oath declares that she is of sound mind and lawful age; that she contributed to the foregoing *Staff's Memorandum*; and that the same is true and correct according to her best knowledge and belief, under penalty of perjury.

Further the Affiant sayeth not.

/s/ Kathleen A. McNelis, PE  
Kathleen A. McNelis, PE