

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

In the Matter of the proposed amendments )	
to the Cold Weather Rule 4 CSR 240- )	Case No. GX-2004-0496
13.055. )	

**STAFF'S REPORT ON ACCURACY OF  
IMPLEMENTATION COST ESTIMATES FOR RULE 4 CSR 240-13.055**

COMES NOW the Staff ("Staff") of the Missouri Public Service Commission ("Commission"), and for its report states as follows:

1. The Missouri Legislature has enacted a statutory provision which requires that the fiscal impact of a rule be reviewed at the end of the first full fiscal year after the rule is implemented. Section 536.200.2, RSMo 2000 provides:

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.

2. The Rule that is the subject of this pleading was effective on October 30, 2004. Therefore, the end of the first full fiscal year after the effective date of Rule 4 CSR 240-13.055 was June 30, 2006, and ninety days thereafter is September 28, 2006.

3. In the attached Staff Memorandum (Attachment A), the Staff concludes that the statutory triggers of Section 536.200.2 that would require publishing the original estimated cost

together with the actual cost of Rule 4 CSR 240-13.055 in the *Missouri Register* have not been met.

4. Also in the Memorandum, the Staff reports that it has investigated the cost of implementing Rule 4 CSR 240-13.055 and has not discovered any information showing that the cost estimate published in the *Missouri Register* for implementation of this rule was inaccurate. Further, the Staff reports that no party potentially or actually affected by the implementation of the Amendment to the Cold Weather Rule has provided any information showing that the cost estimate published in the *Missouri Register* was inaccurate.

**WHEREFORE**, the Staff reports to the Commission that the original estimated cost together with the actual cost for Commission Rule 4 CSR 240-13.055 need not be published in the *Missouri Register* to comply with section 536.200.2, RSMo 2000.

Respectfully submitted,

**/s/ Lera L. Shemwell**

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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or emailed to all counsel of record this 11<sup>th</sup> day of August 2006.

**/s/ Lera L. Shemwell**