

**John R. Ashcroft**

Secretary of State  
Administrative Rules Division

**RULE TRANSMITTAL**

Administrative Rules Stamp

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APR 23 2019

SECRETARY OF STATE  
ADMINISTRATIVE RULES

Rule Number 4 CSR 240-40.090

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

Name of person to call with questions about this rule:

Content Ron Pridgin Phone 573-751-7497 FAX 573-526-6010

Email address Ron.Pridgin@psc.mo.gov

Data Entry Christine Koenigsfeld Phone 573-751-4256 FAX 573-526-6010

Email address Christine.Koenigsfeld@psc.mo.gov

Interagency mailing address Public Service Commission, 9<sup>th</sup> Floor Gov. Office Bldg, JC, Mo  
TYPE OF RULEMAKING ACTION TO BE TAKEN

☐ Emergency Rulemaking ☐ Rule ☐ Amendment ☐ Rescission ☐ Termination

Effective Date for the Emergency \_\_\_\_\_

☐ Proposed Rulemaking ☐ Rule ☐ Amendment ☐ Rescission

☐ Rule Action Notice ☐ In Addition ☐ Rule Under Consideration

☐ Request for Non-Substantive Change

☐ Statement of Actual Cost

☒ Order of Rulemaking ☐ Withdrawal ☒ Adopt ☐ Amendment ☐ Rescission

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:

Section (1)(B)

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Fairness Board (DED) Stamp

JCAR Stamp

JOINT COMMITTEE ON

MAR 21 2019

ADMINISTRATIVE RULES

STATE CAPITOL  
201 W. CAPITOL AVENUE, ROOM 216  
JEFFERSON CITY, MISSOURI 65101



(573) 751-3222  
WWW.GOVERNOR.MO.GOV

*Michael L. Parson*

GOVERNOR  
STATE OF MISSOURI

March 13, 2019

Mr. Ryan Silvey  
Public Service Commission  
200 Madison Street  
PO Box 360  
Jefferson City, MO 65102

RE: *Final Order of Rulemaking*

Dear Ryan:

This office has received your Final Order of Rulemaking for 4 CSR 240-40.090 Submission Requirements for Gas Utility Depreciation Studies.

Executive Order 17-03 requires this office's approval before state agencies release proposed regulations for notice and comment, amend existing regulations, rescind regulations, or adopt new regulations. After our review of this rulemaking, we approve the rule's submission to the Joint Committee on Administrative Rules and the Secretary of State.

Sincerely,

A handwritten signature in black ink, appearing to read "Jessie Eiler".

Jessie Eiler  
Deputy Counsel



Commissioners

RYAN A. SILVEY  
Chairman

WILLIAM P. KENNEY

DANIEL Y. HALL

SCOTT T. RUPP

MAIDA J. COLEMAN

*Missouri Public Service Commission*

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

SHELLEY BRUEGGEMANN  
General Counsel

MORRIS WOODRUFF  
Secretary

LOYD WILSON  
Director of Administration

NATELLE DIETRICH  
Staff Director

John Ashcroft  
Secretary of State  
Administrative Rules Division  
600 West Main Street  
Jefferson City, Missouri 65101

Re: 4 CSR 240-40.090 Submission Requirements for Gas Utility Depreciation Studies

Dear Secretary Ashcroft,

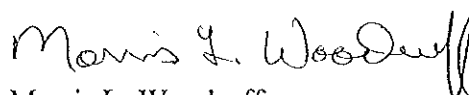
CERTIFICATION OF ADMINISTRATIVE RULE

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.

Statutory Authority: sections 386.250, RSMo 2016.

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

Ron Pridgin, Deputy Chief Regulatory Law Judge  
Missouri Public Service Commission  
200 Madison Street  
P.O. Box 360  
Jefferson City, MO 65102  
(573) 751-7497  
[Ron.Pridgin@psc.mo.gov](mailto:Ron.Pridgin@psc.mo.gov)

  
Morris L. Woodruff  
Chief Regulatory Law Judge

Enclosures

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**Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT**  
**Division 240 – Public Service Commission**  
**Chapter 3 – Filing and Report Requirements**

SECRETARY OF STATE  
ADMINISTRATIVE RULES

**ORDER OF RULEMAKING**

By the authority vested in the Public Service Commission under section 386.250, RSMo 2016, the commission adopts a rule as follows:

**4 CSR 240-40.090 Submission Requirements for Gas Utility Depreciation  
Studies is adopted.**

A notice of proposed rulemaking containing the proposed rule was published in the *Missouri Register* on January 2, 2019 (44 MoReg 73-74). Changes to the proposed rule are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the Code of State Regulations.

**SUMMARY OF COMMENTS:** The public comment period ended February 1, 2019, and the commission held a public hearing on the proposed rule on February 6, 2019. The commission received timely written comments from the staff of the commission, the Office of the Public Counsel, and Union Electric Company d/b/a Ameren Missouri. Jamie Myers offered comments on behalf of the commission's staff; Ryan Smith, representing the Office of the Public Counsel, and Paula Johnson, representing Union Electric Company d/b/a Ameren Missouri appeared at the hearing and offered comments.

**COMMENT #1:** Office of Public Counsel states that due to the dates of 1994-1996 listed therein, all of 4 CSR 240-40.090(1)(B)1.A is now irrelevant and should be deleted. Such a deletion would also cure the issue of 4 CSR 240-3.175, the timeframe for electrical corporations to file depreciation studies, likely being inadvertently left in this proposed rule. OPC further states that 4 CSR 240-40.090(1)(B)2 and 3 contain three-year and five-year language that is duplicative, confusing and inconsistent. The current proposed rule would mean that gas utilities need not file a depreciation study if it has filed one in the past five years, regardless of whether three years have passed since the utility last filed a rate case. OPC would revise the rule to have gas utilities file depreciation studies more often, and would eliminate extraneous language. Staff and Ameren Missouri do not object to OPC's request.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission agrees with Office of Public Counsel, and will delete 4 CSR 240-20.090(1)(B)1. The

JOINT COMMITTEE ON

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commission will further modify 4 CSR 240-20.090(1)(B) to require gas utilities to file depreciation studies more often.

#### **4 CSR 240-40.090 Submission Requirements for Gas Utility Depreciation Studies**

(1) Each gas utility subject to the commission's jurisdiction shall submit a depreciation study, database and property unit catalog to the manager of the commission's engineering analysis unit and to the Office of the Public Counsel, as required by the terms of subsection (1)(B).

(B) A gas utility shall submit its depreciation study, database and property unit catalog on the following occasions:

1. Upon the date five (5) years from the last time the commission's staff received a depreciation study, database and property unit catalog from the utility, and;
2. Upon submission of a general rate increase request. However, a gas utility need not submit a depreciation study, data- base or property unit catalog to the extent that the commission's staff received these items from the utility during the three (3) years prior to the utility's filing for a general rate increase request.