BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of Filing Requirement Rules For Electric Utilities.	))	**Case No. EX-2007-0214**

Electrical Corporation Infrastructure Standards Rule 4 CSR 240-23.020

DISSENTING OPINION OF COMMISSIONER CONNIE MURRAY

I must dissent from the majority's decision to send the Electrical Corporation Infrastructure Standards Rule, in its present form, to the Missouri Secretary of State. Both, this proposed rule and the proposed rule "4 CSR 240-23.030 Electrical Corporation Vegetation Management Standards and Reporting Requirements," in my opinion, are an apparent over-reaction to recent storm outages and to reports of reliability issues experienced by a single utility. These rules were hurriedly drafted without the opportunity for a deliberate and detailed technical and legal review by Commission staff that would have otherwise been employed in the ordinary course of rulemaking.

Approximately three months ago, the Commission's technical and legal staff presented a draft rulemaking that was well thought out and drafted in a manner that provided an excellent base from which to incorporate performance standards. After discussing this draft in Agenda, Staff was directed to draft performance standards to be included in the draft and bring the draft proposed rulemaking back to the Commission for further review. Prior to Staff's revised draft rule being completed and brought back to the Commission, the set of rules which was voted upon today and for

which I write this dissent was offered, and as a result, the Staff's draft rule was never recalled to Agenda for further discussion by the Commission.

The rule that is being sent to the Missouri Secretary of State is overbroad, fiscally irresponsible and unworkable. If promulgated, the fiscal note shows, the rule would create enormous costs for both the Commission and the Missouri utilities which are subject to the rule. The degree of specificity, burdensome notification and reporting requirements, strict and sometimes conflicting timelines, and heavy fines and penalties for non-compliance combine to remove the utilities' flexibility to accomplish the ultimate goal of providing a higher degree of reliability, all at a cost of tens of millions of dollars annually that would ultimately be borne by ratepayers. Further, the fiscal note shows that the review and inspection requirements inuring to the Commission Staff will require the equivalent of an additional full time employee than the Commission currently employees and cost over $60,000 annually, further driving up costs to ratepayers.

I cannot support this attempt to compile the strictest rules that could be located from various states into one melting pot to be promulgated into law. It is my belief that government agencies have a duty to put forth rules that are clear, understandable and are no more burdensome, costly or intrusive than necessary to accomplish a legitimate state interest. Such a proposed rule provides the public a meaningful opportunity to contribute to the rulemaking process by suggesting exact and detailed substantive changes, rather than changes to general concepts a rule such as this invites. I believe that a more prudent approach would have been to take the time necessary for Staff and the Commission to review and evaluate the potential

effects of the rulemaking on all relevant parties, obtain stake-holder input and establish a well reasoned rulemaking.

The Missouri Public Service Commission has a legitimate interest in requiring its regulated electric utilities to manage and maintain their infrastructure and control vegetation in such a way that ensures the provision of safe, adequate and reliable service. Protecting that interest could be and should be accomplished by a rulemaking more in line with that originally drafted by the technical and legal staff of the Commission.

This dissent should in no way be construed to mean that I oppose the concept of such a rulemaking. I believe that reasonable infrastructure standards are appropriate and administrative rules are needed. However, the proposed rulemaking adopted by the Commission today does not serve the best interest of Missouri and its citizens.

For these reasons, I do not support today's vote to send the proposed rule to the Missouri Department of Economic Development for review.

Respectfully submitted,

Connie Murray

Connie Murray, Commissioner

Dated at Jefferson City, Missouri
on this 14th day of June 2007.