

John R. Ashcroft

Secretary of State
Administrative Rules Division

RULE TRANSMITTAL

Administrative Rules Stamp

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APR 14 2023

SECRETARY OF STATE
ADMINISTRATIVE RULES

Rule Number 20 CSR 4240-18.010

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

Name of person to call with questions about this rule:

Content Nancy Dippell Phone 573-751-8518 FAX 573-526-6010

Email address Nancy.Dippell@psc.mo.gov

Data Entry Kayla Kliethermes Phone 573-751-4256 FAX 573-526-6010

Email address Kayla.Kliethermes@psc.mo.gov

Interagency mailing address Public Service Commission, 9th 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:

Small Business Regulatory
Fairness Board (DED) Stamp

JCAR Stamp

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By JCAR at 12:05 pm, Apr 14, 2023

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 3, 2023

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

Dear Scott:

This office has received your proposed rulemaking for the following regulations:

- 20 CSR 4240-18.010 Safety Standards for Electrical Corporations, Telecommunications Companies and Rural Electric Cooperatives
- 20 CSR 4240-13.075 Service Disconnection Reporting Requirements for Electric, Gas, Sewer, and Water Utilities

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, we approve the submission to the Joint Committee on Administrative Rules and the Secretary of State.

Sincerely,

A handwritten signature in black ink, appearing to read "Clifton Davis".

Clifton Davis
Deputy Counsel



Missouri Public Service Commission

MAIDA J. COLEMAN
Commissioner

VACANT
Commissioner

SCOTT T. RUPP
Chairman

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

JASON R. HOLSMAN
Commissioner

GLEN KOLKMEYER
Commissioner

April 14, 2023

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

Re: 20 CSR 4240-18.010 Safety Standards

Dear Secretary Ashcroft,

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed amendment lawfully submitted by the Missouri Public Service Commission.

The Public Service Commission further certifies it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo, and that the proposed amendment does not constitute a taking of real property under relevant state and federal law.

The Public Service Commission has determined and hereby also certifies that if the proposed amendment does affect small business pursuant to sections 536.300 to 536.310, RSMo, a small business impact statement has been filed as required by those sections. If no small business impact statement has been filed the proposed amendment either does not affect small business or the small business requirements do not apply pursuant to section 536.300.4, RSMo.

Statutory Authority: sections 386.250, 386.310, and 393.160, RSMo

If there are any questions regarding the content of this proposed amendment, please contact:

Nancy Dippell, Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street
P.O. Box 360
Jefferson City, MO 65102
(573) 751-8518
Nancy.Dippell@psc.mo.gov



Enclosures

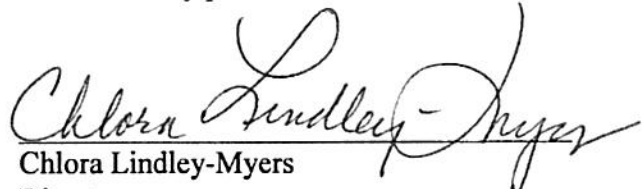
Nancy Dippell

Nancy Dippell
Chief Regulatory Law Judge

**AFFIDAVIT
PUBLIC COST**

**STATE OF MISSOURI)
)
COUNTY OF COLE)**

I, Chlora Lindley-Myers, Director of the Department of Commerce and Insurance, first being duly sworn, on my oath, state that it is my opinion that the cost of proposed amendment to rule, 20 CSR 4240-18.010, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.


Chlora Lindley-Myers
Director
Department of Commerce and Insurance

Subscribed and sworn to before me this 12th day of April, 2023, I am commissioned as a notary public within the County of Callaway, State of Missouri, and my commission expires on May 18, 2024.



KIMBERLY LANDERS
My Commission Expires
May 18, 2024
Callaway County
Commission #12558402


Notary Public

Small Business Regulator Fairness Board Small Business Impact Statement

Date: April 14, 2023

Rule Number: 20 CSR 4240-18.010 Safety Standards

Name of Agency Preparing Statement: Missouri Public Service Commission

Name of Person Preparing Statement: Jeff Keevil and Alan Bax

Phone Number: 573-526-1444

Email: jeff.keevil@psc.mo.gov; alan.bax@psc.mo.gov

Name of Person Approving Statement: Jim Busch and Kevin Thompson

Please describe the methods your agency considered or used to reduce the impact on small businesses (*examples: consolidation, simplification, differing compliance, differing reporting requirements, less stringent deadlines, performance rather than design standards, exemption, or any other mitigating technique*).

This proposed amendment would amend the rule to update Missouri rules related to safety standards for electrical corporations, telecommunication companies, and rural electric cooperatives.

Please explain how your agency has involved small businesses in the development of the proposed rule.

It is not anticipated that the proposed rule will directly impact small businesses.

Please list the probable monetary costs and benefits to your agency and any other agencies affected. Please include the estimated total amount your agency expects to collect from additionally imposed fees and how the moneys will be used.

It is anticipated the proposed rule will result in a net benefit to the Commission, as well as other possible affected agencies, because it updates the Commission's rules in order to align them with nationally accepted basic standards required for the safe installation, operation, and maintenance of power and communications utility systems. No additional fees will be imposed.

Please describe small businesses that will be required to comply with the proposed rule and how they may be adversely affected.

Electrical corporations, telecommunication companies, and rural electric cooperatives will be required to adhere to the 2023 NESC. This proposed amendment simply ensures that the Commission's rules match the nationally accepted basic standards required for the safe installation, operation, and maintenance of power and communications utility systems. No adverse impact is expected.

Please list direct and indirect costs (in dollars amounts) associated with compliance.

None identified.

Please list types of business that will be directly affected by, bear the cost of, or directly benefit from the proposed rule.

Utilities regulated by the Commission will be directly affected by and directly benefit from the proposed rule.

Does the proposed rule include provisions that are more stringent than those mandated by comparable or related federal, state, or county standards?

Yes ___ No X

If yes, please explain the reason for imposing a more stringent standard.

For further guidance in the completion of this statement, please see §536.300, RSMo.

**Title 20—DEPARTMENT OF COMMERCE AND INSURANCE
Division 4240—Public Service Commission
Chapter 18—Safety Standards**

SECRETARY OF STATE
ADMINISTRATIVE RULES

PROPOSED AMENDMENT

20 CSR 4240-18.010 Safety Standards for Electrical Corporations, Telecommunications Companies, and Rural Electric Cooperatives. The commission is amending section (1).

PURPOSE: This amendment changes the edition of the National Electrical Safety Code that the Public Service Commission adopts for the minimum safety standards applicable to electrical corporations, telecommunications companies, and rural electric cooperatives, and clarifies that the new standards apply only to new installations and extensions.

(1) The minimum safety standards relating to the operation of electrical corporations, telecommunications companies, and rural electric cooperatives are Parts 1, 2, and 3 and Sections 1, 2, and 9 of the *National Electrical Safety Code* (NESC); [2017] **2023** Edition, as approved by the American National Standards Institute on [August 1, 2016] **August 1, 2022**, [as modified by Errata thereto issued on September 13, 2016 and March 31, 2017,] and published by the Institute of Electrical and Electronics Engineers, Inc., 3 Park Avenue, New York, NY 10016-5997. The NESC is composed of four (4) different parts and four (4) sections, each of which pertain to different aspects of the electric and telecommunications industries. Part 1 specifies rules for the installation and maintenance of equipment normally found in electric generating plants and substations. Part 2 pertains to safety rules for overhead electric and communication lines. Part 3 contains safety rules for underground electric and communication lines. Section 1 is an introduction to the NESC, Section 2 defines special terms, and Section 9 requires certain grounding methods for electric and communications facilities. The full text of this material is available at the [Energy Analysis Section of the Utility Operations] **Industrial Analysis Division - Engineering Analysis** Department of the Public Service Commission, Suite 700, 200 Madison, Jefferson City, Missouri. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 386.250, 386.310, and 394.160, RSMo 2016. Original rule filed March 15, 1978, effective Oct. 2, 1978. Amended: Filed April 8, 1981, effective Oct. 15, 1981. Amended: Filed Feb. 9, 1984, effective June 15, 1984. Amended: Filed June 12, 1987, effective Sept. 15, 1987. Amended: Filed Jan. 5, 1990, effective April 13, 1990. Amended: Filed March 23, 1993, effective Oct. 10, 1993. Amended: Filed Aug. 27, 1999, effective Feb. 29, 2000. Amended: Filed Oct. 14, 2003, effective April 30, 2004. Amended: Filed May 2, 2008, effective Nov. 30, 2008. Amended: Filed Aug. 1, 2013, effective Feb. 28, 2014. Amended: Filed July 27, 2017, effective Feb. 28, 2018. Moved to 20 CSR 4240-18.010, effective Aug. 28, 2019.*

**Original authority: 386.310, RSMo 1939, amended 1979, 1989, 1996 and 394.160, RSMo 1939, amended 1979.*

PUBLIC COST: *This proposed rule will not cost state agencies or political subdivisions in excess of \$500.00 in the aggregate.*

RECEIVED

By JCAR at 12:05 pm, Apr 14, 2023

PRIVATE COST: *This proposed rule will not cost private entities in excess of \$500.00 in the aggregate.*

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: *Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Nancy Dippell, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before June 14, 2023, and should include a reference to Commission Case No. EX-2023-0254. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed amendment is scheduled for June 20, 2023, at 1:00 p.m., in Room 310 of the Governor Office Building, 200 Madison St., Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.*