

the short-term borrowing rate, a copy(ies) of the changed basis(es) or identification of where it/they may be reviewed;

E. Any additional information that the commission has ordered the electric utility to include in its RAM true-up filing;

3. Workpapers, in electronic format, where available, with all links and formulas intact, supporting all items in this subsection, shall be submitted in EFIS and provided to staff, OPC, and other parties.

(C) The electric utility must be current on its submission of its periodic reporting requirements as required by section (5) and surveillance monitoring reports at the time that it files its true-up of its RAM in order for the commission to process the electric utility's requested true-up of any over- or under-billing.

(D) The staff shall examine and analyze the information filed and submitted by the electric utility pursuant to this rule and additional information obtained through discovery and as ordered by the commission, to determine whether the true-up amount is in accordance with the provisions of this rule, section 386.266, RSMo, and the RAM established in the electric utility's most recent general rate proceeding. In filings to adjust the FAR, the twenty- (20-) and ten- (10-) day time limits in 4 CSR 240-2.090(2) shall be reduced to fifteen (15) and seven (7) days, respectively. The staff shall submit a recommendation regarding its examination and analysis to the commission not later than thirty (30) days after the electric utility files for a true-up amount.

(F) Within sixty (60) days of the electric utility's true-up filing the commission shall issue an order—

1. Approving the true-up filing and the true-up amount; or
2. If it determines that the true-up amount is incorrect, rejecting the proposed tariff sheet(s) containing the true-up amount, suspending the timeline of the true-up filing, setting a prehearing date, and ordering the parties to propose a procedural schedule. The commission shall allow the electric utility to file tariff sheet(s) to implement interim FARs reflecting any part of the true-up amount that is not in question, and questions about the correctness of the true-up amount will not delay adjustments to FAR rates unrelated to the true-up.

(G) If the staff, OPC or other party which receives the information that the electric utility is required to submit by this rule and as ordered by the commission in a previous proceeding, believes the information is insufficient to make a recommendation regarding the electric utility's true-up filing, it shall notify the electric utility within ten (10) days of the electric utility's filing and identify the information required. The electric utility shall supply the information identified by the party, or shall notify the party that it believes the information provided was responsive to the requirements, within ten (10) days of the request. If the electric utility does not timely supply the information, the party asserting the failure to provide the required information must timely file a motion to compel with the commission.

1. While the commission is considering the motion to compel, the processing timeline for the determination of the true-up amount shall be suspended. If the commission then issues an order requiring the information to be provided, the time necessary for the information to be provided shall further extend the processing timeline. If the commission issues an order compelling discovery, interest will not be accrued by the utility from the time the commission receives a motion to compel until the time that the utility provides the requested information. For good cause shown the commission may further suspend this timeline.

2. If the party requesting the information can demonstrate to the commission that the true-up amount will result in a reduction in the FAR, the processing timeline shall continue with the best information available. When the electric utility provides the necessary information, the FAR shall be adjusted again, if necessary, to reflect the additional information provided by the electric utility.

(10) Duration of RAMs and Requirement for General Rate Case. Once a RAM is approved by the commission, it shall remain in effect for a term of not more than four (4) years unless the commission ear-

lier authorizes the modification, extension, or discontinuance of the RAM in a general rate proceeding, although an electric utility may submit proposed rate sheets to implement periodic adjustments to its FAC rates between general rate proceedings.

(11) Prudence Reviews Respecting RAMs. A prudence review of the costs and revenues subject to the RAM shall be conducted no less frequently than at eighteen- (18-) month intervals.

(13) Rate Design of the RAM. The design of the RAM rates shall reflect differences in losses incurred in the delivery of electricity at different voltage levels for the electric utility's different rate classes as determined by periodically conducting Missouri jurisdictional system loss studies.

(A) When the electric utility initially seeks authority to use a RAM, the end of the twelve- (12-) month period of actual data collected that is used in its Missouri jurisdictional system loss study must be within twenty-four (24) months of the date the utility files its general rate proceeding first requesting a RAM.

(B) When the electric utility seeks to continue or modify its RAM, the end of the twelve- (12-) month period of actual data collected that is used in its Missouri jurisdictional system loss study must be no earlier than four (4) years before the date the utility files the general rate proceeding seeking to continue or modify its RAM.

(14) Incentive Mechanism or Performance-Based Program. During a general rate proceeding in which an electric utility has proposed establishment or modification of a RAM, or in which a RAM may be allowed to continue in effect, any party may propose for the commission's consideration incentive mechanisms or performance-based programs to improve the efficiency and cost effectiveness of the electric utility's fuel and purchased power procurement activities and/or off-system sales activities.

(A) The incentive mechanisms or performance-based programs may or may not include some or all components of base energy costs.

(17) Party status and rights in RAM proceedings.

(A) Each party to the most recent general rate proceeding in which the commission established, continued, or modified the electric utility's RAM shall be a party to each subsequent related RAM rate adjustment proceeding, RAM true-up proceeding, and RAM prudence review proceeding, without applying to the commission for intervention, and shall be provided access to the periodic reports and surveillance monitoring reports required by this rule during the period of time when they are entitled to be a party to such proceedings without applying for intervention. In any subsequent general rate proceeding, such person or entity must seek and be granted status as an intervenor to be a party to that case and to consequently be a party, without seeking and being granted status as an intervenor to RAM-related proceedings initiated after that case.

(22) Waiver of Provisions of this Rule. Provisions of this rule may be waived by the commission for good cause.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 240—Public Service Commission

Chapter 40—Gas Utilities and Gas Safety Standards

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250, 386.310, and 393.140, RSMo 2016, the commission amends a rule as follows:

4 CSR 240-40.020 Incident, Annual, and Safety-Related Condition Reporting Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 16, 2018 (43 MoReg 1581-1583). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended August 15, 2018, and the commission held a public hearing on the proposed amendment on August 20, 2018. The commission received timely written comments in support of the amendment from the staff of the commission and comments at the hearing in support of the amendment from Jeff Keevil, Deputy Counsel, on behalf of the staff of the commission, and Hampton Williams, Public Counsel, on behalf of the Office of the Public Counsel.

COMMENT #1: Mr. Keevil on behalf of the staff of the commission filed general comments supporting the amendment of this rule. Mr. Keevil stated that this rulemaking was undertaken in response to Executive Order 17-03 and is being proposed in order to consolidate, streamline, and improve the user-friendliness of the commission's regulations.

RESPONSE: The commission appreciates its staff's dedication to improving the regulatory process at the commission and in the state of Missouri. No change was made as a result of this comment.

COMMENT #2: Mr. Williams on behalf of the Office of the Public Counsel commented at the hearing in support of amending this rule. Mr. Williams also provided a letter to the commission suggesting that the commission pursue a legislative exemption from the provisions of section 536.031, RSMo, that would allow the commission to amend the gas safety regulations contemporarily with changes at the federal level.

RESPONSE: The commission thanks the Office of the Public Counsel for its participation and will consider its suggestion. No change was made as a result of this comment.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 40—Gas Utilities and Gas Safety Standards**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250, 386.310, and 393.140, RSMo 2016, the commission amends a rule as follows:

4 CSR 240-40.030 Safety Standards—Transportation of Gas by Pipeline is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 16, 2018 (43 MoReg 1583-1595). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended August 15, 2018, and the commission held a public hearing on the proposed amendment on August 20, 2018. The commission received timely written comments in support of the amendment from the staff of the commission and comments at the hearing in support of the amendment from Jeff Keevil, Deputy Counsel, on behalf of the staff of the commission, and Hampton Williams, Public Counsel, on behalf of the Office of the Public Counsel.

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RESPONSE: The commission appreciates its staff's dedication to improving the regulatory process at the commission and in the state of Missouri. No change was made as a result of this comment.

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RESPONSE: The commission thanks the Office of the Public Counsel for its participation and will consider its suggestion. No change was made as a result of this comment.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 40—Gas Utilities and Gas Safety Standards**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.250, 386.310, and 393.140, RSMo 2016, the commission amends a rule as follows:

4 CSR 240-40.080 Drug and Alcohol Testing is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 16, 2018 (43 MoReg 1596). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended August 15, 2018, and the commission held a public hearing on the proposed amendment on August 20, 2018. The commission received timely written comments in support of the amendment from the staff of the commission and comments at the hearing in support of the amendment from Jeff Keevil, Deputy Counsel, on behalf of the staff of the commission, and Hampton Williams, Public Counsel, on behalf of the Office of the Public Counsel.

COMMENT #1: Mr. Keevil on behalf of the staff of the commission filed general comments supporting the amendment of this rule. Mr. Keevil stated that this rulemaking was undertaken in response to Executive Order 17-03 and is being proposed in order to consolidate, streamline, and improve the user-friendliness of the commission's regulations.

RESPONSE: The commission appreciates its staff's dedication to improving the regulatory process at the commission and in the state of Missouri. No change was made as a result of this comment.

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RESPONSE: The commission thanks the Office of the Public Counsel for its participation and will consider its suggestion. No change was made as a result of this comment.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 30—Division of Labor Standards
Chapter 1—Organization**

ORDER OF RULEMAKING

By the authority vested in the Division of Labor Standards under Omnibus State Reorganization Act of 1974, the division amends a rule as follows:

**8 CSR 30-1.010 Organization of the Division of Labor Standards
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2021). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 30—Division of Labor Standards
Chapter 2—Mining Rules**

ORDER OF RULEMAKING

By the authority vested in the Division of Labor Standards under sections 286.060 and 293.630, RSMo 2016, the division amends a rule as follows:

8 CSR 30-2.010 Definitions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2021). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 30—Division of Labor Standards
Chapter 2—Mining Rules**

ORDER OF RULEMAKING

By the authority vested in the Division of Labor Standards under sections 286.060 and 293.630, RSMo 2016, the division amends a rule as follows:

**8 CSR 30-2.020 Standard Practices for Safety and Operation
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2021–2028). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 30—Division of Labor Standards
Chapter 3—Prevailing Wage Law Rules**

ORDER OF RULEMAKING

By the authority vested in the Division of Labor Standards under section 290.240, RSMo Supp. 2018, the division withdraws a proposed amendment as follows:

**8 CSR 30-3.010 Prevailing Wage Rates for Public Works Projects
is withdrawn.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2028–2029). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: The division received comments on this proposed amendment. The comments were against the proposed amendment of the rule. The amendment was drafted prior to the Missouri General Assembly's passage of SS HCS HBs 1729, et al (2018). The comments noted that the proposed amendment did not take into consideration statutory changes enacted in HB 1729.

RESPONSE: As a result, the division is withdrawing the proposed amendment.

**Title 8—DEPARTMENT OF LABOR AND
INDUSTRIAL RELATIONS
Division 30—Division of Labor Standards
Chapter 3—Prevailing Wage Law Rules**

ORDER OF RULEMAKING

By the authority vested in the Division of Labor Standards under section 290.240, RSMo Supp. 2018, the division withdraws a proposed amendment as follows:

8 CSR 30-3.020 Definitions is withdrawn.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on August 1, 2018 (43 MoReg 2029–2030). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: The division received comments on this proposed amendment. The comments were against the proposed amendment of the rule. The amendment was drafted prior to the Missouri General Assembly's passage of SS HCS HBs 1729, et al (2018). The comments noted that the proposed amendment did not take into consideration statutory changes enacted in HB 1729.

RESPONSE: As a result, the division is withdrawing the proposed amendment.