

**Robin Carnahan**  
Secretary of State  
Administrative Rules Division  
RULE TRANSMITTAL

Administrative Rules Stamp

**RECEIVED**

FEB 24 2005

SECRETARY OF STATE  
ADMINISTRATIVE RULES

A "SEPARATE" rule transmittal sheet **MUST** be used for EACH individual rulemaking.

A. Rule Number 4 CSR 240-3.135

Diskette File Name Amended 3.135

Name of person to call with questions about this rule:

Content Warren Wood Phone 573-751-2978 FAX 573-526-0142

E-mail address warren.wood@psc.mo.gov

Data entry Rosemary Robinson Phone 573-751-4335 FAX 573-751-9285

E-mail address rosemary.robinson@psc.mo.gov

Interagency mailing address GOB, 200 Madison Street, 8<sup>th</sup> Floor, Jefferson City

Statutory Authority 386.250

Current RSMo date 2000

Date filed with the Joint Committee on Administrative Rules Exempt per Sections

536.024 and 536.037, RSMo 2000, + Executive Order No. 97-97 (June 27, 1997)

B. CHECKLIST guide for rule packets:

☒ This transmittal completed

☐ Forms, number of pages \_\_\_\_\_

☒ Cover letter

☐ Authority section with history of the rule

☒ Affidavit

☐ Public cost statement

☐ Small business impact statement

☐ Private cost statement

☐ Fiscal notes

☐ Hearing date \_\_\_\_\_

C. RULEMAKING ACTION TO BE TAKEN

☐ Emergency rulemaking (choose one) ☐ rule, ☐ amendment, ☐ rescission, or ☐ termination

**MUST** include effective date \_\_\_\_\_

☒ Proposed Rulemaking (choose one) ☐ rule, ☐ amendment, or ☐ rescission

☐ Order of Rulemaking (choose one) ☐ rule, ☒ amendment, ☐ rescission, or ☐ termination

**MUST** complete page 2 of this transmittal

☐ Withdrawal (choose one) ☐ rule, ☐ amendment, ☐ rescission or ☐ emergency)

☐ Rule action notice ☐ In addition ☐ Rule under consideration

D. SPECIFIC INSTRUCTIONS: Any additional information you may wish to provide to our staff \_\_\_\_\_

Small Business Regulatory  
Fairness Board (DED) Stamp

JCAR Stamp

**RULE TRANSMITTAL (PAGE 2)**

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E. ORDER OF RULEMAKING: Rule Number \_\_\_\_\_

1a. Effective Date for the Order

☐ Statutory 30 days

Specific date \_\_\_\_\_

1b. Does the Order of Rulemaking contain changes to the rule text?

☐ YES      ☐ NO

1c. If the answer is YES, please complete section F.

If the answer is NO, **STOP** here.

F. Please provide a complete list of the changes in the rule text for the order of rulemaking, indicating the specific section, subsection, paragraph, subparagraph, part, etc., where each change is found. It is especially important to identify the parts of the rule that are being deleted in this order of rulemaking. Give an explanation of each section, subsection, etc. which has been changed since the proposed rulemaking was published in the Register.

NOTE: ALL changes MUST be specified here in order for those changes to be made in the rule as published in the *Missouri Register* and the *Code of State Regulations*.  
Add additional sheet(s), if more space is needed.



Commissioners

JEFF DAVIS  
Chairman

CONNIE MURRAY

STEVE GAW

ROBERT M. CLAYTON III

LINWARD "LIN" APPLING

## *Missouri Public Service Commission*

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

February 24, 2005

WESS A. HENDERSON  
Director, Utility Operations

ROBERT SCHALLENBERG  
Director, Utility Services

DALE HARDY ROBERTS  
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE  
General Counsel

Robin Carnahan  
Secretary of State  
Administrative Rules Division  
600 West Main Street  
Jefferson City, MO 65101

**RECEIVED**  
FEB 24 2005  
SECRETARY OF STATE  
ADMINISTRATIVE RULES

Dear Secretary Carnahan,

**RE: 4 CSR 240-3.135 Filing Requirements and Schedule of Fees Applicable to Applications for Resolution of Annexation-Related Disputes**

### CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rule lawfully submitted by the Missouri Public Service Commission on this 24th day of February 2005.

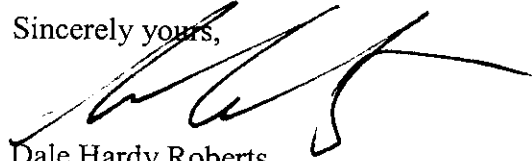
The Missouri Public Service Commission has determined and hereby certifies that this proposed rule will not have an economic impact on small business. The Missouri Public Service Commission also certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo 2000 and that this proposed rule does not constitute a taking of real property under relevant state and federal law.

Statutory Authority: section 386.250, RSMo 2000

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

Dennis Frey  
200 Madison  
Jefferson City, MO 65102  
Phone (573) 751-8700  
Email: [denny.frey@psc.mo.gov](mailto:denny.frey@psc.mo.gov)

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Dale Hardy Roberts', with a long horizontal flourish extending to the right.

Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission

**AFFIDAVIT**  
(PUBLIC NO COST)

STATE OF MISSOURI     )  
                                  ) ss.  
COUNTY OF COLE     )

**RECEIVED**

**FEB 24 2005**

**SECRETARY OF STATE  
ADMINISTRATIVE RULES**

I, Gregory A. Steinhoff, Director of the Department of Economic Development, first being duly sworn on my oath, state that it is my opinion that the cost of **Proposed Amended Rule 4 CSR 240-3.135 – Filing Requirements and Schedule of Fees Applicable to Applications for Resolution of Annexation-Related Disputes**, is less than five hundred dollars in the aggregate to this agency, and other agency of state government or any political subdivision thereof.

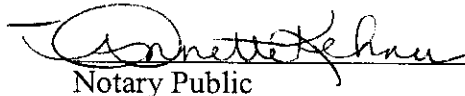


\_\_\_\_\_  
Gregory A. Steinhoff, Director  
Department of Economic Development

Subscribed and sworn to before me this 24<sup>th</sup> day of February, 2005. I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on 17 July 2007.

**ANNETTE KEHNER**  
**Notary Public - Notary Seal**  
**STATE OF MISSOURI**  
**Cole County**

**My Commission Expires: July 17, 2007**

  
\_\_\_\_\_  
Notary Public

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

RECEIVED

FEB 24 2005

PROPOSED AMENDMENT

**4 CSR 240-3.135 *Filing Requirements and Schedule of Fees Applicable to [Applications for Approval of Electric Service Territorial Agreements, Petitions for Designation of Electric Service Areas and] Applications for Resolution of Annexation-Related Disputes***

SECRETARY OF STATE  
ADMINISTRATIVE RULES

*PURPOSE: The changes in this amendment establish filing requirements for applications for resolution of annexation-related disputes. It removes references to filing fee requirements for territorial agreement filings because the requirement of these fees is being added to 4 CSR 240-3.130. It adds a filing fee for hearing time for applications for resolution of annexation-related disputes.*

*PURPOSE: This rule establishes **the requirements that must be met and a schedule of fees for applications to the commission** [review of proposed territorial agreements, petitions for commission designation of electric service areas, and annexation-related applications] **for the resolution of annexation-related disputes regarding a municipality providing electric service outside of the municipality's corporate boundaries.** As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).*

**(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for commission resolution of annexation-related disagreements shall include from each party:**

- (A) An explanation as to why the annexation is in the public interest;**
- (B) A specific designation of the boundary, a map showing the boundary and the legal description of the area that is in dispute;**
- (C) A comparison of the electric rates that currently apply to the annexed area and the rates if the proposed change of supplier is allowed;**
- (D) The fair and reasonable compensation to be paid by the municipally owned electric utility to the affected electric supplier with existing system operations within the annexed area, for any proposed acquisitions or transfers, including the valuation formulas and factors used to calculate fair and reasonable compensation;**
- (E) Any effect on system operation, including, but not limited to, loss of load and loss of revenue;**
- (F) Any power contracts that the municipality has agreed to with the affected electric supplier to serve the annexed area;**
- (G) Any issues on which the municipally owned electric utility and the affected electric supplier agree;**
- (H) A copy of the newspaper notification, as well as notifications sent to any affected supplier;**
- (I) The impact, if any, that the annexation-related change of electrical supplier will have on the tax revenues of the political subdivisions in which any structures, facilities or equipment of the utilities involved are located; and**
- (J) A record of compliance with the deadlines for negotiation as outlined in section 386.800, RSMo.**

**(2) If any of the information required by subsections (1)(A)-(J) of this rule is unavailable at the time the application is filed, the application must be accompanied by a statement of the reasons the information is currently unavailable and a date by which it will be furnished. All required information shall be furnished prior to the granting of the authority sought.**

*[(1)3] [Commission review of a]An application [for a proposed territorial agreement, a petition for commission designation of electric service areas, or an application] for resolution of an annexation-related dispute[,] shall be accompanied by an initial filing fee in the amount of five hundred dollars (\$500).*

*[(2)4] In addition to the filing fee, the fee for commission review of an [opposed] application for [approval of a proposed territorial agreement] **resolution of an annexation-related dispute** between electric service providers is set at six hundred eighty-five dollars (\$685) per hour of hearing time, subject to a minimum charge for hearing time of six hundred eighty-five dollars (\$685). There is an additional charge of three dollars and fifty cents (\$3.50) per page of transcript. These fees are in addition to the fees authorized by section 386.300, RSMo.*

*[(3)5] The parties shall be responsible for payment of any unpaid fees on and after the effective date of the commission's report and order relating to the [electric territorial agreement, designation of service areas or] annexation-related application. The executive director shall send an itemized billing statement to the applicants on or after the effective date of the commission's report and order. Responsibility for payment of the fees shall be that of the parties to the proceeding as ordered by the commission in each case.*

*[(4) An application for commission review of proposed amendment(s) to an existing territorial agreement between electric service providers shall not be subject to the fee of five hundred dollars (\$500) specified in section (1) of this rule. However, the applicants shall be responsible for the payment of a fee which reflects necessary hearing time (including the minimum hearing time charge) and the transcript costs as specified in section (2) of this rule.]*

*[(5)6] On July 1 of each year, the filing fee and the fee per hour of evidentiary hearing time will be modified to match any percentage change in the Consumer Price Index for the twelve (12)-month period ending December 31 of the preceding year.*

*AUTHORITY: sections 386.250[,] and 386.800 [and 394.312], RSMo 2000.\* Original rule filed Aug. 16, 2002, effective April 30, 2003.*

*Original authority: 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; 386.800 RSMo 1991; and 394.312, RSMo 1988, amended 1989.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) 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, Dale Hardy Roberts, 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 May 9, 2005, and should include a reference to Commission Case No. EX-2003-0372. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the Commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed amendment is scheduled for May 18, 2005, at 10:00 a.m. in Room 310 of the Governor Office Building, 200 Madison Street, 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 rule, 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.*



# MEMORANDUM

**TO:** Dale Hardy Roberts, Secretary

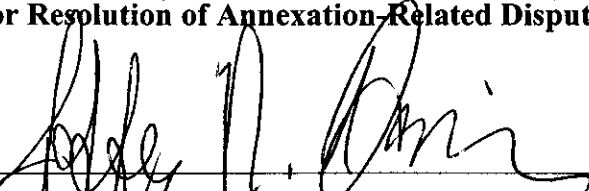
**DATE:** February 8, 2005

**RE:** Authorization to File Proposed Rulemaking with the Office of Secretary of State

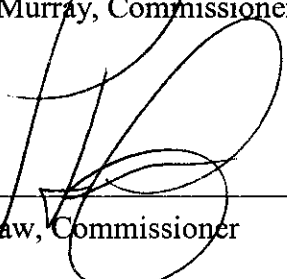
**CASE NO:** EX-2003-0372

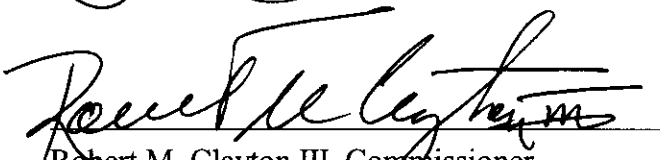
The undersigned Commissioners hereby authorize the Secretary of the Missouri Public Service Commission to file the following Proposed Rulemaking with the Office of the Secretary of State, to wit:

**4 CSR 240-3.135 – Schedule of Fees Applicable to Applications for Approval of Electric Service Territorial Agreements, Petitions for Designation of Electric Service Areas and Applications for Resolution of Annexation-Related Disputes**

  
\_\_\_\_\_  
Jeff Davis, Chairman

  
\_\_\_\_\_  
Connie Murray, Commissioner

 (No)  
\_\_\_\_\_  
Steve Gaw, Commissioner

  
\_\_\_\_\_  
Robert M. Clayton III, Commissioner

  
\_\_\_\_\_  
Linward "Lin" Appling, Commissioner



Commissioners  
KELVIN L. SIMMONS  
Chair  
CONNIE MURRAY  
STEVE GAW  
BRYAN FORBIS  
ROBERT M. CLAYTON III

## Missouri Public Service Commission

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

ROBERT J. QUINN, JR.  
Executive Director  
WESS A. HENDERSON  
Director, Utility Operations  
ROBERT SCHALLENBERG  
Director, Utility Services  
DONNA M. PRENGER  
Director, Administration  
DALE HARDY ROBERTS  
Secretary/Chief Regulatory Law Judge  
DANA K. JOYCE  
General Counsel

November 5, 2003

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

**Re: Proposed Amendment to Rule 4 CSR 240-3.135 – Filing Requirements and Schedule of Fees Applicable to Applications for Resolution of Annexation-Related Disputes**

Dear Mr. Roberts:

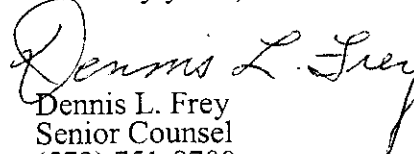
Executive Order 93-13 requires state agencies to undertake a “takings analysis” of each proposed rule or regulation in light of the United States Supreme court decision in *Lucas v. South Carolina Coastal Council*, 112 S.Ct. 2886 (1992). Pursuant to that order, I have undertaken a “takings analysis” of the above-referenced proposed amended rulemaking. In *Lucas*, the Court held that state regulation depriving an owner of real property of all economically beneficial use of that property constitutes a “taking” under the Fifth and Fourteenth Amendments of the U.S. Constitution, for which the property owner must be compensated. The Court also held that when state regulations compel a property owner to suffer a permanent physical invasion of his/her property, such an invasion is compensable.

The current rule lists a schedule of fees for electric service territorial agreements, petitions for designation of electric service areas, and applications for resolution of annexation-related disputes. The proposed amendment would (a) establish filing requirements for applications for resolution of annexation-related disputes, (b) add a filing fee for hearing time associated with such applications, and (c) remove references to filing fee requirements for territorial agreement and designation of electric service agreement filings.

Replacing the existing rule with the proposed amended rule does not implicate the takings clause of the U.S. Constitution, because neither rule involves the taking of real property.

Please let me know if you have any questions on this issue.

Sincerely yours,

  
Dennis L. Frey  
Senior Counsel  
(573) 751-8700  
(573) 751-9285 (Fax)



Commissioners  
KELVIN L. SIMMONS  
Chair  
CONNIE MURRAY  
STEVE GAW  
BRYAN FORBIS  
ROBERT M. CLAYTON III

## Missouri Public Service Commission

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

November 5, 2003

ROBERT J. QUINN, JR.  
Executive Director  
WESS A. HENDERSON  
Director, Utility Operations  
ROBERT SCHALLENBERG  
Director, Utility Services  
DONNA M. PRENGER  
Director, Administration  
DALE HARDY ROBERTS  
Secretary/Chief Regulatory Law Judge  
DANA K. JOYCE  
General Counsel

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

**RE: Proposed Amendment to Rule 4 CSR 240-3.135 – Filing Requirements and Schedule of Fees Applicable to Applications for Resolution of Annexation-Related Disputes**

Dear Mr. Roberts:

Executive Order 96-18 requires state agencies to determine whether a proposed rule-making will have direct economic impact on small businesses of five hundred dollars or more in the aggregate. A small business is defined in the Executive Order as an independently owned and operated business entity that employs fifty or fewer full time employees.

The proposed amendment to the rule, which (a) establishes filing requirements for applications for resolution of annexation-related disputes, (b) adds a filing fee for hearing time associated with such applications, and (c) removes references to filing fee requirements for territorial agreement and designation of electric service agreement filings, will not have a direct economic impact on small businesses of at least five hundred dollars in the aggregate.

Please let me know if you have questions on this issue.

Sincerely yours,

Dennis L. Frey  
Senior Counsel  
(573) 751-8700  
(573) 751-9285 (Fax)

*Unreceived 2/04*

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

**PROPOSED AMENDMENT**

**4 CSR 240-3.135 *Filing Requirements and Schedule of Fees Applicable to [Applications for Approval of Electric Service Territorial Agreements, Petitions for Designation of Electric Service Areas and] Applications for Resolution of Annexation-Related Disputes***

*PURPOSE: The changes in this amendment establish filing requirements for applications for resolution of annexation-related disputes. It removes references to filing fee requirements for territorial agreement filings because the requirement of these fees is being added to 4 CSR 240-3.130. It adds a filing fee for hearing time for applications for resolution of annexation-related disputes.*

*PURPOSE: This rule establishes **the requirements that must be met and a schedule of fees for applications to the commission** [review of proposed territorial agreements, petitions for commission designation of electric service areas, and annexation-related applications] **for the resolution of annexation-related disputes regarding a municipality providing electric service outside of the municipality's corporate boundaries.** As noted in the rule, additional requirements pertaining to such applications are set forth in 4 CSR 240-2.060(1).*

(1) In addition to the requirements of 4 CSR 240-2.060(1), applications for commission resolution of annexation-related disagreements shall include from each party:

- (A) An explanation as to why the annexation is in the public interest;
- (B) A specific designation of the boundary, a map showing the boundary and the legal description of the area of which is in dispute;
- (C) A comparison of the electric rates that currently apply to the annexed area and the rates if the proposed change of supplier ~~was~~ allowed;
- (D) The fair and reasonable compensation to be paid by the municipally owned electric utility to the affected electric supplier with existing system operations within the annexed area, for any proposed acquisitions or transfers including the valuation formulas and factors used to calculate fair and reasonable compensation;
- (E) Any effect on system operation, including, but not limited to, loss of load and loss of revenue;
- (F) Any power contracts that the municipal has agreed to with the affected electric supplier to serve the annexed area;
- (G) Any issues on which the municipally owned electric utility and the affected electric supplier agree;
- (H) A copy of the newspaper notification, as well as notifications sent to any affected supplier;
- (I) The impact, if any, that the annexation-related change of electrical supplier will have on the tax revenues of the political subdivisions in which any structures, facilities or equipment of the utilities involved are located; and
- (J) A record of compliance with the deadlines for negotiation as outlined in section 386.800, RSMo.

**(2) If any of the information required by subsections (1)(A)-(J) of this rule is unavailable at the time the application is filed, the application must be accompanied by a statement of the reasons the information is currently unavailable and a date when it will be furnished. All required information shall be furnished prior to the granting of the authority sought.**

*([1]3) [Commission review of a]An application [for a proposed territorial agreement, a petition for commission designation of electric service areas, or an application] for resolution of an annexation-related dispute[,] shall be accompanied by an initial filing fee in the amount of five hundred dollars (\$500).*

*([2]4) In addition to the filing fee, the fee for commission review of an [opposed] application for [approval of a proposed territorial agreement] **resolution of an annexation-related dispute** between electric service providers is set at six hundred eight-five dollars (\$685) per hour of hearing time, subject to a minimum charge for hearing time of six hundred eighty-five dollars (\$685). There is an additional charge of three dollars and fifty cents (\$3.50) per page of transcript. These fees are in addition to the fees authorized by section 386.300, RSMo.*

*([3]5) The parties shall be responsible for payment of any unpaid fees on and after the effective date of the commission's report and order relating to the [electric territorial agreement, designation of service areas or] annexation-related application. The executive director shall send an itemized billing statement to the applicants on or after the effective date of the commission's report and order. Responsibility for payment of the fees shall be that of the parties to the proceeding as ordered by the commission in each case.*

*[(4) An application for commission review of proposed amendment(s) to an existing territorial agreement between electric service providers shall not be subject to the fee of five hundred dollars (\$500) specified in section (1) of this rule. However, the applicants shall be responsible for the payment of a fee which reflects necessary hearing time (including the minimum hearing time charge) and the transcript costs as specified in section (2) of this rule.]*

*([5]6) On July 1 of each year, the filing fee and the fee per hour of evidentiary hearing time will be modified to match any percentage change in the Consumer Price Index for the twelve (12)-month period ending December 31 of the preceding year.*

*AUTHORITY: sections 386.250[,], and 386.800 [and 394.312], RSMo 2000.\* Original rule filed Aug. 16, 2002, effective April 30, 2003.*

*Original authority: 386.250, RSMo 1939, amended 1963, 1967, 1977, 1980, 1987, 1988, 1991, 1993, 1995, 1996; 386.800 RSMo 1991; and 394.312, RSMo 1988, amended 1989.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*


*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) 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, Dale Hardy Roberts, 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 MONTH DAY, 2003, and should include a reference to Commission Case No. EX-2003-0366. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the Commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed amendment is scheduled for MONTH DAY, 2003, at TIME in Room XXX of the Governor Office Building, 200 Madison Street, 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 rule, 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.*

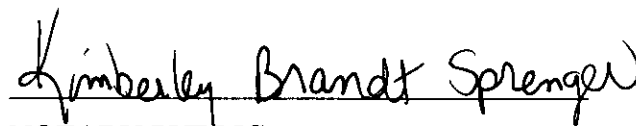
**AFFIDAVIT**

STATE OF MISSOURI     )  
                                      )  
COUNTY OF COLE        )

I, Anne Walker, Deputy Director of the Department of Economic Development, first being duly sworn on my oath state that it is my opinion that the cost of the **Proposed Amended Rule -- 4 CSR 240-3.135 – Filing Requirements and Schedule of Fees Applicable to Applications for Resolution of Annexation-Related Disputes**, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

  
Anne Walker  
DEPUTY DIRECTOR  
Department of Economic Development

Subscribed and sworn to before me this 5<sup>th</sup> day of February, 2004.  
I am commissioned as a notary public within the County of  
Cole, State of Missouri, and my commission expires on  
April 29, 2006.

  
NOTARY PUBLIC

KIMBERLY BRANDT SPRENGER  
NOTARY PUBLIC STATE OF MISSOURI  
COLE COUNTY  
MY COMMISSION EXP. APR. 29, 2006