

# Robin Carnahan

Secretary of State  
Administrative Rules Division

## RULE TRANSMITTAL

Administrative Rules Stamp

Rule Number 4 CSR 240-2.110

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

FILED  
July 7, 2011  
Data Center  
Missouri Public  
Service Commission

Name of person to call with questions about this rule:

Content Nancy Dippell Phone 573-751-4393 FAX

Email address Nancy.dippell@psc.mo.gov

Data Entry same Phone  FAX

Email address

Interagency mailing address Public Service Commission, 9<sup>th</sup> Fl, Gov.Ofc Bldg, JC, MO

### TYPE OF RULEMAKING ACTION TO BE TAKEN

☐ Emergency rulemaking, include effective date

☐ Proposed Rulemaking

☐ Withdrawal ☐ Rule Action Notice ☐ In Addition ☐ Rule Under Consideration

☒ Order of Rulemaking

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:

Changes were made to sections (4), (5), and (6).

Small Business Regulatory  
Fairness Board (DED) Stamp

JCAR Stamp

JOINT COMMITTEE ON  
JUL 06 2011  
ADMINISTRATIVE RULES



**Commissioners**

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Chairman

**ROBERT M. CLAYTON III**

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**TERRY M. JARRETT**

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***Missouri Public Service Commission***

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**ROBERT SCHALLENBERG**  
Director, Utility Services

**NATELLE DIETRICH**  
Director, Utility Operations

**STEVEN C. REED**  
Secretary/General Counsel

**KEVIN A. THOMPSON**  
Chief Staff Counsel

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

Dear Secretary Carnahan,

Re: 4 CSR 240-2.110 Hearings

**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: section 386.410, RSMo 2000

If there are any questions regarding the content of this order of rulemaking, please contact me at the address and number below.

Sincerely,

A handwritten signature in cursive script that reads "Nancy Dippell".

Nancy Dippell, Deputy Chief Regulatory Law Judge  
Missouri Public Service Commission  
200 Madison Street  
P.O. Box 360  
Jefferson City, MO 65102  
(573) 751-4393  
[Nancy.dippell@psc.mo.gov](mailto:Nancy.dippell@psc.mo.gov)

Enclosure

**Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240 – Public Service Commission  
Chapter 2 – Practice and Procedure**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Public Service Commission under section 386.410, RSMo 2000, the commission amends a rule as follows:

**4 CSR 240-2.110 is amended.**

A notice of proposed rulemaking containing the text of the proposed amendments was published in the *Missouri Register* on April 15, 2011 (36 MoReg 1057). Those sections with changes are reprinted here. These proposed amendments become effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** A public hearing on the proposed amendments was held May 19, 2011, and the public comment period ended May 16, 2011. Two (2) written comments were received and no one testified at the hearing regarding this rule.

**COMMENT #1:** Lewis Mills, on behalf of the Office of the Public Counsel, commented that section (4) should be expanded to include other discovery parameters that are commonly included in procedural orders. Mr. Mills also commented that section (5) should refer to staff counsel instead of the general counsel.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission agrees with Mr. Mills' comments and will amend section (4) and section (5).

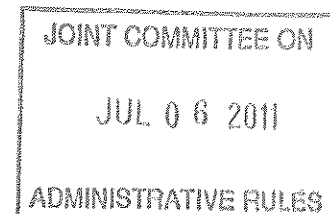
**COMMENT #2:** Rick Zucker, on behalf of Laclede Gas Company, and Wendy Tatro, on behalf of Union Electric Company, d/b/a Ameren Missouri, commented that section (5) should refer to staff counsel instead of the general counsel. Mr. Zucker and Ms. Tatro also commented that section (6) appears to make the use of a court reporter optional and they made a suggestion for clarifying that provision.

**RESPONSE AND EXPLANATION OF CHANGE:** The commission agrees with the proposed changes suggested and will make those amendments to the rule.

**4 CSR 240-2.110 Hearings**

(4) The presiding officer shall establish a procedural schedule through one (1) or more procedural orders in which the hearing and conference dates are set, date for filing testimony and pleadings are set, and any other applicable procedural parameters are established as determined necessary by the presiding officer or agreed to by the parties.

(5) The order of procedure in hearings shall be as follows, unless otherwise agreed to by the parties or ordered by the presiding officer:



(A) In all cases except investigation cases, the applicant or complainant shall open and close, with intervenors following the staff counsel, or his designee, and the public counsel in introducing evidence; and

(B) In investigation cases, the staff counsel, or his designee, shall open and close.

(6) A reporter appointed by the commission shall make a full and complete record of the entire proceeding in any formal hearing, or of any other hearing or proceeding at which the commission determines reporting is appropriate.