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November 1, 1999

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

FILED

NOV - 1 1999

Missouri Public
Service Commission

Re: Case No. AX-2000-112

Dear Mr. Roberts:

The Office of the Public Counsel makes the following comments on the proposed revision to the Commission rules:

4 CSR 240-2.060 Applications

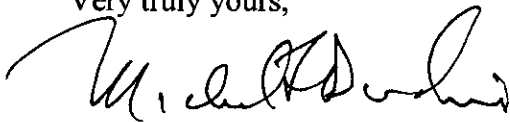
1. Public Counsel supports the proposed rule with respect to subsections (1) (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (L), (M) and (2). With respect to 1(K), Public Counsel suggests that the applicant disclose only such matters which have occurred within the prior three calendar years so the matters relate to current consumer and regulatory problems.
2. (14) Variances or Waivers. This rule should be separated since waiver and variance are distinct remedies with different grounds and limitations. Both remedies should identify the effect on the industry, customers and the public.
3. Proposed rule: (14.1) "Variance from the strict application of a commission rule or tariff provision may be granted upon application and a showing that the strict application of the rule or tariff provision would work an undue hardship and an unreasonable result. Applications for any variance from any statutory provisions shall be restricted to those provided by law. Applications for variances should contain information as follows:

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- (A) Specific indication of the statute, rule or tariff from which a variance is sought.
 - (B) The reasons for the proposed variance and a complete justification setting out the good cause for granting the variance and
 - (C) The name of any public utility affected by the variance.
 - (D) The effect such variance would have on customers or the public.”
4. (14.1) “Waiver of any Commission rule or tariff provision may be granted upon application and upon a showing of good cause and that such waiver is not inconsistent with the public interest. A waiver of any statutory provision shall be as provided by law. Applications for waivers shall contain information as follows:
- (A) Specific indication of the statute, rule or tariff from which a waiver is sought.
 - (B) The reasons for the proposed waiver and a complete justification setting out the good cause for granting the waiver and
 - (C) The name of any public utility affected by the waiver.
 - (D) The effect such waiver would have on customers or the public.”

We have enclosed the original and fourteen copies for filing with the Commission.

Very truly yours,



Michael F. Dandino
Senior Public Counsel

MFD:kh

cc: Counsel of record