

**BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI**

In the Matter of a Request for a Waiver from) **File No. MX-2020-0357**
Commission Rule 20 CSR 4240-125.040(1)(C))

STAFF RECOMMENDATION

COMES NOW the Staff of the Missouri Public Service Commission ("Staff"), by and through counsel, and respectfully files the attached *Memorandum* pursuant to General Procedure 1, stating Staff's finding that the actual cost of implementing the rules within this docket to public and private entities has not exceeded the estimates by more than 10 percent or, where appropriate, has not exceeded five hundred dollars.

WHEREFORE, Staff files this *Memorandum* for the Commission's information and consideration.

Respectfully submitted,

/s/ J. Scott Stacey

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronic mail to all parties and/or counsel of record this 13th day of September, 2022.

/s/ J. Scott Stacey

MEMORANDUM

TO: Missouri Public Service Commission Official Case File No. MX-2020-0357

FROM: Justin Smith, on Behalf of Commission Staff

SUBJECT: Staff's Review of Commission Rules Regarding an Amendment Providing a Waiver from Commission Rule 20 CSR 4240-125.040(1)(C)

DATE: September 13, 2022

On September 30, 2020, the Missouri Public Service Commission (Commission) issued a Notice of Finding of Necessity and Directing that Proposed Rule Amendments Be Filed for Publication. The proposed amendment include an emergency rulemaking to amend the rules regarding in-person training requirements for licensed manufactured home installers (20 CSR 4240-125.040(1)(C)).

The Amended Rule 20 CSR 4240-125.040 was filed on September 30, 2020 and a notice of proposed rulemaking was published in the *Missouri Register* on October 15, 2020 (45 MoReg 1655). The public comment period ended on July 20, 2022 and a rulemaking hearing was held on December 3, 2020.

The Commission Staff has investigated the cost of implementing the rule through this case, and reports that it has not discovered any information that would show that the cost estimates for this rule as published in the *Missouri Register* were inaccurate.

On June 2, 2022, the Commission issued an Invitation to File Comments Regarding Costs of Compliance, no party potentially or actually affected by the implementation of the subject rule has offered comments about the accuracy of the fiscal impact statement.

The Commission's General Procedure GP-1 ("GP-1") requires that, within 30 days before the end of the first full fiscal year after the implementation of a rule, amendment or rescission, the Staff is to investigate whether the cost to all affected entities, including the Commission, has exceeded by ten percent or more the estimated cost in the fiscal note, or, where appropriate, has exceeded five hundred dollars.

GP-1 also requires the Staff to prepare a memorandum showing the results of its investigation within thirty (30) days after the end of the first full fiscal year of the implementation of the subject rule, amendment or rescission. If the Staff investigation shows that the costs have not exceeded ten percent for all entities or, where appropriate, the estimated five hundred dollars, Staff's Memorandum shall be entered into EFIS under the rulemaking's docket number.

The Staff's response regarding the accuracy of the published cost estimates is within the time frame specified by Section 536.200, RSMo 2019. This statute requires publication in the *Missouri Register* of a report of costs exceeding ten percent for all entities or cost over five hundred dollars, where appropriate, within 90 days after the close of the "first full fiscal year" after the implementation of the subject rule, amendment or rescission. The rule that was the subject of this case became effective on January 30, 2021. The first full fiscal year after implementation of the rule thus ended on June 30, 2022. Accordingly, September 28, 2022, would represent the 90-day expiration period for the publication of a report regarding excess cost information in the *Missouri Register*. Since the Staff's investigation indicates that the published cost estimates related to the changes in the rule have not been exceeded, no *Missouri Register* publication is required under Section 536.200, RSMo 2019.