

Robin Carnahan

Secretary of State
Administrative Rules Division

RULE TRANSMITTAL

Administrative Rules Stamp

Rule Number 4 CSR 240-2.080

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, 9th 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 section (9).

Small Business Regulatory
Fairness Board (DED) Stamp

JCAR Stamp

JOINT COMMITTEE ON
JUL 06 2011
ADMINISTRATIVE RULES



Commissioners

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Chairman

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

Dear Secretary Carnahan,

Re: 4 CSR 240-2.080 Pleadings, Filing, and Service

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
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Jefferson City, MO 65102
(573) 751-4393
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 240-2.080 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 1054). 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 one (1) comment was made at the public hearing.

COMMENT #1: Lewis Mills, on behalf of the Office of the Public Counsel, filed a written comment pointing out an error in section (9), italic font in subsection (14)(B) that appeared to be in error, and missing text under the heading “Methods of Service” in section (16).

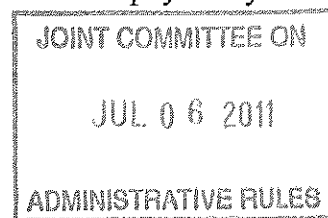
RESPONSE AND EXPLANATION OF CHANGE: With regard to subsection (14)(B), that error was corrected before publication by the editors in the administrative rule division of the secretary of state’s office. Likewise the text that was not included in the version sent for publication was added by the editors prior to publication. No changes to the rule text were made except to change the words “electronic mail” to “email.” Thus, the Commission makes no change to section (9) or subsection (14)(B) as a result of this comment. The commission will correct the error in section (9) so that it refers to the “electronic filing and information system.”

COMMENT #2: Rick Zucker, on behalf of Laclede Gas Company, and Wendy Tatro, on behalf of Union Electric Company, d/b/a Ameren Missouri, filed joint written comments and Mr. Zucker commented at the hearing. The commenters requested that section (9) be furthered clarified so that documents filed electronically will be deemed filed on the date received in the electronic filing and information system (EFIS) so long as the filing is made prior to midnight.

RESPONSE AND EXPLANATION OF CHANGE: Mr. Zucker and Ms. Tatro’s interpretation of the date of filing is correct and the commission will further clarify section (9).

4 CSR 240-2.080 Pleadings, Filing, and Service

(9) Any document’s filing date shall be the date and time the document is physically or electronically stamped as filed by the secretary of the commission. Documents physically



received in the commission's data center during regular business hours shall be stamped on the date received. Documents physically received in the commission's data center after regular business hours shall be stamped the next day that the commission has regular business hours. Documents submitted electronically to the commission's electronic filing and information system (EFIS) will be stamped filed on the date and time the document is received in EFIS and will be deemed filed on that date and time.