

FILED³

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AX-2002-156
Administrative Rules Stamp

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FEB 28 2002

MATT BLUNT
Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

Missouri Public
Service Commission

SECRETARY OF STATE
ADMINISTRATIVE RULES

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

- A. Rule Number 4 CSR 240-2.045
Diskette File Name 2.045 order of rulemaking (Word 2000 format)
Name of Person to call with questions about this rule:
Context Kevin A. Thompson Phone 573-751-6514 FAX 573-526-6010
Data Entry Judy Pope Phone 573-751-6526 FAX 573-526-6010
Interagency Mailing Address Governor Office Building, 200 Madison St., Suite 900, Jefferson City, MO
- Statutory Provision for Rulemaking
Authority Section 386.410 Provide Most Current RSMo Year Supp. 2001
- Date Filed With the Joint Committee on Administrative Rules Exempt per Sections 536.024 and 536.037, RSMo 2000, and Executive Order No. 97-97 (June 27, 1997)
- B. CHECK, IF INCLUDED: FORMS, List by Mo-Form Number, # of Pages
☒ Cover Letter
☐ Affidavit
☐ Cost Statements
☐ Public Entity Fiscal Note
☐ Private Entity Fiscal Note
OTHER _____
- C. RULEMAKING ACTION TO BE TAKEN
☐ Emergency Rulemaking, Must Specify Effective Date
☐ Proposed Rulemaking (New Rule)
☒ Order of Rulemaking (MUST complete page 2 of this transmittal)
☐ Withdrawal (Rule, Amendment, Rescission or Emergency)
☐ Rule Action Notice
☐ In Addition
- D. SPECIFIC INSTRUCTIONS: In this space indicate any special instructions (e.g., specify publication date preference, identify material incorporated by references, etc.)

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RULE TRANSMITTAL (PAGE 2)

E. ORDER OF RULEMAKING: Rule Number 4 CSR 240-2.045

1a. Effective Date for the Order

Statutory 30 days ☒ or later 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 or rulemaking, indicating the specific section, subsection, subparagraph, part, etc., where each change is found.

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.



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SECRETARY OF STATE
ADMINISTRATIVE RULES

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

Missouri Public Service Commission

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

February 28, 2002

Commissioners
KELVIN L. SIMMONS
Chair
CONNIE MURRAY
SHEILA LUMPE
STEVE GAW
BRYAN FORBIS

Honorable Matt Blunt
Secretary of State
600 West Main Street
Jefferson City, Missouri 65101

ATTENTION: Administrative Rules Division

I do hereby certify that the attached are accurate and complete copies of the Order of Rulemaking lawfully submitted by the Missouri Public Service Commission for filing this 28th day of February, 2002.

Rule: 4 CSR 240-2.045 Electronic Filing

Statutory authority: Section 386.410, RSMo 2000

Effective date of the Rule: 30 days after publication in the *Code of State Regulations*

Missouri Public Service Commission Case No.: AX-2002-156

If there are any questions, please contact: Kevin A. Thompson
Deputy Chief Regulatory Law Judge
Missouri Public Service Commission
Governor Office Building
200 Madison Street, Suite 900
Post Office Box 360
Jefferson City, Missouri 65102
(573) 751-6514

BY THE COMMISSION

Kevin A. Thompson
Deputy Chief Regulatory Law Judge

KAT:jp

Enclosures: Order of Rulemaking (hard copy plus electronic copy in Word 2000 format on 3-1/2" disk), transmittal form

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FEB 28 2002

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

SECRETARY OF STATE
ADMINISTRATIVE RULES

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.410, RSMo Supp. 2001, the commission adopts a rule as follows:

4 CSR 240-2.045 Electronic Filing is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 16, 2002 (27 MoReg 106). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One comment was received requesting that the rule provide additional detail regarding the process of electronic filing.

COMMENT: One comment from Southwestern Bell Telephone Company was received which suggested that section (1) of the rule should include additional details regarding the process of electronic filing. The commentor noted that the rule as proposed does not address the electronic filing of documents requiring either verification or an affidavit. The commentor stated that by simply directing interested parties to the Commission's website and instructing them to follow the instructions for electronic filing found there, that the Commission was not providing sufficient details regarding the Commission's implementation of electronic filing.

RESPONSE: The Commission disagrees with the commentor that section (1) of the proposed rule does not provide sufficient details regarding the Commission's implementation of electronic filing. The Commission's website includes an electronic filing portal with simple instructions covering all details of the process, including those specifically noted by the commentor. The Commission considers it inappropriate to promulgate those instructions as a rule. Furthermore, the electronic filing of documents requiring verification or an affidavit is addressed elsewhere. Therefore, the Commission finds that the rule is appropriate as proposed and that no changes are necessary.

MEMORANDUM

FILED³

MAR 01 2002

Missouri Public
Service Commission

TO: Dale Hardy Roberts, Secretary

DATE: February 28, 2002

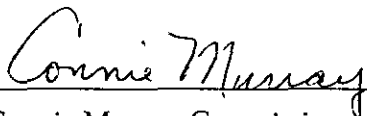
RE: Authorization to File Order of Rulemaking With the Office of Secretary of State

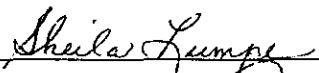
CASE NO: AX-2002-156

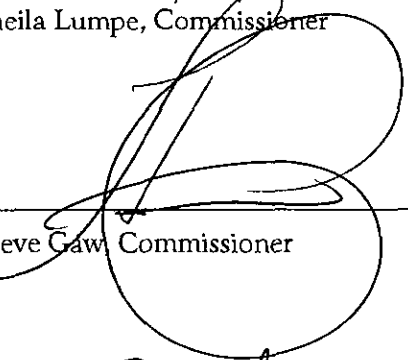
The undersigned Commissioners hereby authorize the Secretary of the Missouri Public Service Commission to file an Order of Rulemaking with the Office of Secretary of State, to wit:

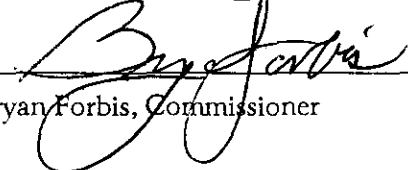
4 CSR 240-2.045 Electronic Filing


Kelvin L. Simmons, Chair


Connie Murray, Commissioner


Sheila Lumpe, Commissioner


Steve Gaw, Commissioner


Bryan Forbis, Commissioner

AGENDA - 2/28/02
Thompson/Pope

P:\KEVIN\CASES\AX\AX-2002-156\Final Order of Rulemaking 2-25-02.doc
Draft circulated: 2/26/02, 1:20 p.m.

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

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