

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
January 11, 2000**

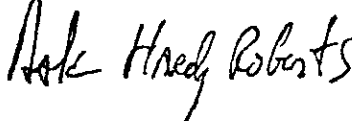
CASE NO: EX-99-442, HX-99-443, GX-99-444, GX-99-445

Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102

General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

Uncertified Copies:

Gary W. Duffy/Dean L. Cooper
Brydon, Swearingen & England P.C.
P. O. Box 456
Jefferson City, MO 65102

William J. Niehoff
Ameren Services Company
1901 Chouteau Avenue MC 1310
St. Louis, MO 63103

Robert C. Johnson
Enron Corporation
720 Olive Street, Suite 2400
St. Louis, MO 63101

Victor Scott
Andereck, Evans, Milne, Peace & Baumhoer
P.O. Box 1438
Jefferson City, MO 65102

James M. Fischer
101 West McCarty Street, Suite 215
Jefferson City, MO 65101

Gerald Reynolds/William Riggins
Kansas City Power & Light
1701 Walnut St.
P.O. Box 418679
Kansas City, MO 64141-9679

Ed Downey

Missouri Industrial Energy Consumers
221 Bolivar
Jefferson City, MO 65102

Johannes W. Williams

Edison Electric Institute
701 Pennsylvania Ave., N.W.
Washington, D.C. 20004

Robert J. Hack

Missouri Gas Energy
3420 Broadway
Kansas City, MO 64111

Colly J. Durley

AmerenUE
901 E. Broadway, Suite 100
Columbia, MO 65201-4857

Douglas Walther

Atmos Energy Corporation
Three Lincoln Centre
5430 LBJ Freeway
Dallas, TX 75240

Shawn Fagan

AmerenUE
616 W. Surf #3
Chicago, IL 60657

Jeffrey Keevil

1001 Cherry Street, Suite 302
Columbia, MO 65201

Michael C. Pendergast

Laclede Gas Company
720 Olive Street, Room 1520
St. Louis, MO 63101

Diane Vuylsteke

Bryan Cave LLP
One Metropolitan Square, Suite 3600
211 N. Broadway
St. Louis, MO 63102-2750

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION**

At a session of the Public Service
Commission held at its office
in Jefferson City on the 11th
day of January, 2000.

In the Matter of 4 CSR 240-20.015 Proposed Rule)	<u>Case No. EX-99-442</u>
- Electric Utilities Affiliate Transactions.)	
 In the Matter of 4 CSR 240-80.015 Proposed Rule)	<u>Case No. HX-99-443</u>
- Steam Heating Utilities Affiliate Transactions.)	
 In the Matter of 4 CSR 240-40.015 Proposed Rule)	<u>Case No. GX-99-444</u>
- Gas Utilities Affiliate Transactions.)	
 In the Matter of 4 CSR 240-40.016 Proposed Rule)	<u>Case No. GX-99-445</u>
- Gas Utilities, Marketing Affiliate Transactions.)	

ORDER DENYING REHEARING

On April 26, 1999, the Missouri Public Service Commission (Commission) filed proposed rules 4 CSR 240-20.015, 4 CSR 240-80.015, 4 CSR 240-40.015 and 4 CSR 240-40.016 with the Secretary of State. The rulemaking proceedings were assigned case numbers EX-99-442, HX-99-443, GX-99-444 and GX-99-445, respectively. The Proposed Rules were published in the *Missouri Register* on June 1, 1999, and provided a comment periods through July 1, 1999, reply comment periods through August 2, 1999, and scheduled public hearings.

The public hearings scheduled for these rulemaking proceedings were held over a period of three days, on September 13, 14 and 15, 1999. After considering the written and oral comments, the Commission approved the filing of orders of rulemaking for each of the proposed rules on

November 16, 1999. The orders of rulemaking were filed with the Missouri Secretary of State's Office on November 22, 1999. Pursuant to normal rulemaking procedures, the orders of rulemaking have been published, as of January 3, 2000, in the *Missouri Register*. Subsequently, the rules will be published in the *Code of State Regulations* and will become effective 30 days after they are published.

Several utility corporations filed requests for rehearing by the Commission in respect to the rulemaking proceedings. These requests or applications were filed on August 19, 1999, and additional requests or applications were filed on December 15, 1999. Contested case procedures do not apply in rulemaking proceedings. However, assuming *arguendo*, that a rulemaking proceeding is subject to a request for rehearing under Section 386.500, RSMo 1994, and further assuming that the applications and requests have been properly and timely filed, the Commission finds that the applications for rehearing and related motions are unpersuasive and should be denied.

The rulemaking procedures followed are lawful and the rules adopted reflect proper matters to be addressed by rulemaking within the Commission's jurisdiction. The rules are lawful and lawfully adopted.

Further, all rulemaking actions required by the Commission in these cases are complete. To the extent that any pending motions or applications have not been determined, they are denied and these cases may be closed.

IT IS THEREFORE ORDERED:

1. That the applications filed on August 19, 1999, and December 15, 1999, are denied. Any applications or motions or matters presented herein not specifically ruled on by the Commission in these rule-making proceedings are denied.

2. That this order shall become effective on January 21, 2000.

3. That these cases may be closed effective on January 24, 2000.

BY THE COMMISSION



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

(S E A L)

Lumpe, Ch., Crumpton, Drainer,
and Schemenauer, CC., concur.
Murray, C., not participating.

Thornburg, Regulatory Law Judge

ALJ/Sec'y: Thornburg / Pope

1-6 EX-99-442, HX-99-443
Date Circulated CASE NOS. 6X-99-444
and 6X-99-445

SLP 13
Lumpe, Chair
NP
Crumpton, Commissioner
Murray, Commissioner
Schemenauer, Commissioner
nd
Drainer, Vice-Chair

1-11
Agenda Date

Action taken: 4-0 AS
Must Vote Not Later Than _____

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

I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 11TH day of January 2000.



Dale Hardy Roberts

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge