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FEB 04 2002

AX-2002-158

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Missouri Public Service Commission

MATT BLUNT  
Secretary of State  
Administrative Rules Division  
RULE TRANSMITTAL

SECRETARY OF STATE  
ADMINISTRATIVE RULES

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

A. Rule Number 4 CSR 240-2.115  
Diskette File Name 2.115 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 2000

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 OTHER \_\_\_\_\_  
 Private Entity Fiscal Note \_\_\_\_\_

C. RULEMAKING ACTION TO BE TAKEN  
 Emergency Rulemaking, Must Specify Effective Date  
 Proposed Rulemaking (Amendment of Existing Rule)  
 Order of Rulemaking (MUST complete page 2 of this transmittal)  
 Withdrawal of Proposed Amendment  
 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.)

E. ORDER OF RULEMAKING: Rule Number 4 CSR 240-2.115

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.

**\* Not applicable — the Order of Rulemaking withdraws the Proposed Amendment.**

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.



## Missouri Public Service Commission

**Commissioners**  
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Director, Administration  
DALE HARDY ROBERTS  
Secretary/Chief Regulatory Law Judge  
DANA K. JOYCE  
General Counsel

February 1, 2002

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 1st day of February, 2002.

Rule: 4 CSR 240-2.115 Nonunanimous Stipulations and Agreements

Statutory authority: Section 386.410, RSMo 2000

Effective date: not applicable (the Proposed Amendment is being withdrawn)

Missouri Public Service Commission Case No.: AX-2002-158

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

Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

DHR:KAT:jp

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

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

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ADMINISTRATIVE RULES**

**ORDER OF RULEMAKING**

By the authority vested in the Missouri Public Service Commission under sections 386.230 and 386.410, RSMo 2000, the commission withdraws a rule as follows:

**4 CSR 240-2.115 [Nonunanimous] Stipulations and Agreements is withdrawn.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 16, 2002 (27 MoReg 107). This proposed amendment is withdrawn in order to provide for a hearing.

**SUMMARY OF COMMENTS:** The commission received a request from the Office of the Public Counsel that a public hearing be held with regard to the proposed amendment. The commission considered this request and concluded that the public interest would be best served by holding a public hearing as requested. Consequently, the proposed amendment is being withdrawn and will be resubmitted with a scheduled public hearing date.