



Martha S. Hogerty
Public Counsel

State of Missouri

Bob Holden
Governor

Office of the Public Counsel
Governor Office Building
200 Madison, Suite 650
P.O. Box 7800
Jefferson City, Missouri 65102

Telephone: 573-751-4857
Facsimile: 573-751-5562
Web: <http://www.mo-opc.org>
Relay Missouri
1-800-735-2966 TDD
1-800-735-2466 Voice

November 6, 2001

Mr. Dale H. Roberts
Secretary/Chief Regulatory Law Judge
Public Service Commission
P. O. Box 360
Jefferson City, MO 65102

FILED²
NOV 06 2001
Missouri Public
Service Commission

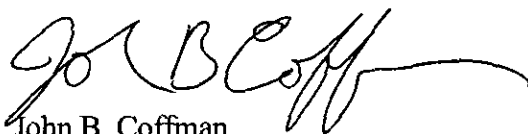
RE: Case No. AX-2002-159

Dear Mr. Roberts:

Enclosed for filing in the above-referenced case please find the original and eight copies of a verified **SUNSHINE LAW REQUEST**. Please "file" stamp the extra-enclosed copy and return it to this office.

Thank you for your attention to this matter.

Sincerely,


John B. Coffman
Deputy Public Counsel

JBC:jb

cc: Counsel of Record

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

FILED
NOV 06 2001
Missouri Public
Service Commission

In the Matter of Proposed Rulemaking, 4 CSR)
240-2.117, Summary Determination.) Case No. AX-2002-159

SUNSHINE LAW REQUEST

COMES NOW the Office of the Public Counsel (Public Counsel) and pursuant to Chapter 610 RSMo. 2000 and states as follows:

1. On September 27, 2001, the Commission issued an Order Finding Necessity for Rulemaking, stating:

The Commission on its own motion has determined that a rule, 4 CSR 240-2.117, Summary Determination, is necessary in order to provide for the summary resolution on contested cases where appropriate. The proposed rule provides for summary determination in a manner similar to summary judgment and also provides for determination on the pleadings, similar to judgment on the pleadings. This rule will make litigation before the Commission more efficient and less costly for each entity and each person involved.

2. Public Counsel requests that the Commission make publicly available all documents circulated to the members of the Public Service Commission regarding the above docketed case, including any drafts of a proposed rule or proposed amendments to a rule. Public Counsel has searched the Commission's file on this case and cannot find any copy of the specific proposals to the Commission's rules that have been circulated to the Public Service Commission and discussed at agenda meetings, nor can Public Counsel find the proposal mentioned in the September 27, 2001 Order.

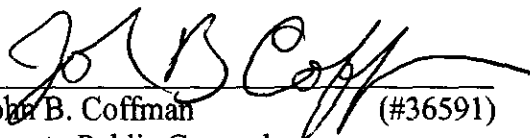
3. Public Counsel believes that the Commission could be beneficially assisted in developing proposed rule changes in this case if the public were aware of the

specific rule proposal being discussed. In numerous rulemaking cases considered by the Commission in the past, regulated utilities, the Staff of the Commission, the Office of the Public Counsel, and other interested parties have been invited to provide input on potential rule changes prior to any proposed rule being submitted to the Secretary of State. The Commission's description of this rule suggests matters that could profoundly impact due process before the Commission.

4. Public Counsel's goal in seeking these records is to provide the Commission with early comments and suggestions that would benefit the public. Because this request for records serves the public interest, Public Counsel requests that all fees for locating and copying these records be waived.

Respectfully submitted,

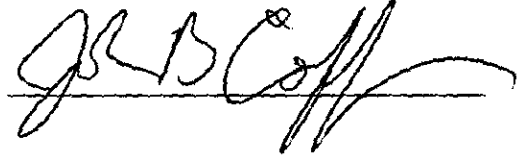
OFFICE OF THE PUBLIC COUNSEL

By: 
John B. Coffman (#36591)
Deputy Public Counsel
P. O. Box 7800
Jefferson City, MO 65102
(573) 751-1304
(573) 751-5562 FAX

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or hand-delivered to the following this 6th day of November 2001:

GENERAL COUNSEL
Missouri Public Service Commission
PO Box 360
Jefferson City MO 65102

A handwritten signature in cursive script, appearing to read "J. B. Coffey", is written over a horizontal line. The signature is fluid and stylized, with a long horizontal stroke at the end.