

FILED³

DEC 10 2001

Administrative Rules Stamp

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DEC 07 2001

MATT BLUNT

Secretary of State

Administrative Rules Division

RULE TRANSMITTAL

Missouri Public
Service CommissionSECRET, BY STATE
ADMINISTRATIVE RULES

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

A. Rule Number 4 CSR 240-2.045Diskette File Name 2.045 proposed rule (Word 2000 format)

Name of Person to call with questions about this rule:

Context Kevin A. Thompson Phone 573-751-6514 FAX 573-526-6010Data Entry Judy Pope Phone 573-751-6526 FAX 573-526-6010Interagency 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 2000Date 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 NoteOTHER Takings AnalysisSmall Business Impact Analysis

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.)

RULE TRANSMITTAL (PAGE 2)

E. ORDER OF RULEMAKING: Rule Number (not applicable)

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.

RULE TRANSMITTAL (PAGE 2)

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Add additional sheet(s), if more space is needed.



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

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>

December 6, 2001

ROBERT J. QUINN, JR.
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

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 Proposed Rule lawfully submitted by the Missouri Public Service Commission for filing this 6th day of December, 2001, and that a takings analysis and small business impact analysis have occurred.

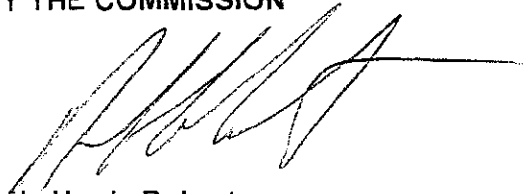
Rule: 4 CSR 240-2.045 Electronic Filing

Statutory authority: Section 386.410, RSMo 2000

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


Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

DHR:KAT:jp

Enclosures: Proposed Rule (hard copy plus electronic copy in Word 2000 format on 3-1/2" disk), transmittal form, affidavit, takings analysis, and small business impact analysis

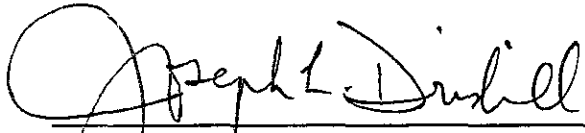
AFFIDAVIT

STATE OF MISSOURI

COUNTY OF COLE

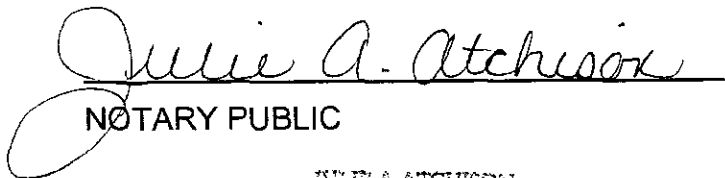
}

I, Joseph L. Driskill, Director of the Department of Economic Development, first being duly sworn on my oath state that it is my opinion that the cost of **Proposed Rule 4 CSR 240-2.045, Electronic Filing**, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.



Joseph L. Driskill
DIRECTOR
Department of Economic Development

Subscribed and sworn to before me this 29th day of November, 2001. I am commissioned as a notary public within the County of Callaway, State of Missouri, and my commission expires on September 21, 2004.



NOTARY PUBLIC

JULIE A. ATCHISON
NOTARY PUBLIC STATE OF MISSOURI
CALLAWAY COUNTY
MY COMMISSION EXP. SEPT 21, 2004

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

PROPOSED RULE

RECEIVED
DEC 11 2001
SECRETARY
ADMINISTRATIVE

4 CSR 240-2.045 Electronic Filing

PURPOSE: This rule prescribes the procedure for electronic filing before the commission.

- (1) Any item or document otherwise required or permitted to be filed with the commission may be filed electronically by accessing the commission's internet web site and following the instructions for electronic filing found there.
- (2) Any item or document filed electronically shall, if received during business hours of the commission's records room, be considered filed as of that day, otherwise, such item or document shall be considered filed as of the next following business day.
- (3) The electronic filing of an item or document as described in this rule shall satisfy an obligation to file the same if accomplished no later than the date upon which such filing is required.

AUTHORITY: Section 386.410, RSMo 2000. Original rule filed Dec. 6, 2001.

PUBLIC ENTITY COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. Comments should refer to Case No. AX-2002-156 and be filed with an original and six (6) copies. No public hearing is scheduled.



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

Missouri Public Service Commission

POST OFFICE BOX 360
JEFFERSON CITY, MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
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November 1, 2001

ROBERT J. QUINN, JR.
Executive Director
WESS A. HENDERSON
Director, Utility Operations
ROBERT SCHALLENGER
Director, Utility Services
DONNA M. KOLILIS
Director, Administration
DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge
DANA K. JOYCE
General Counsel

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102

RE: Proposed Rule 4 CSR 240-2.045 Electronic Filing

Dear Mr. Roberts:

Executive Order 93-13 requires state agencies to undertake a "takings analysis" of each proposed rule or regulation in light of the United States Supreme Court decision in *Lucas v. South Carolina Coastal Council*, 112 S. Ct. 2886 (1992). Pursuant to that order, I have undertaken a "takings analysis" of the above-referenced proposed rulemaking. In *Lucas*, the Court held that state regulation depriving an owner of real property of all economically beneficial use of that property constitutes a "taking" under the Fifth and Fourteenth Amendments of the U.S. Constitution, for which the property owner must be compensated. The Court also held that when state regulations compel a property owner to suffer a permanent physical invasion of his/her property, such an invasion is compensable.

This proposed rule prescribes the procedure for electronic filing before the Public Service Commission.

Proposed rule 4 CSR 240-2.045 does not implicate the takings clause of the U.S. Constitution, because the rule does not involve the taking of real property.

Mr. Dale Hardy Roberts
Page two
November 1, 2001

Please let me know if you have any questions on this issue.

Very truly yours,

A handwritten signature in black ink, appearing to read 'KAT', followed by a long horizontal flourish.

Kevin A. Thompson
Deputy Chief Regulatory Law Judge

KAT:jp



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DANA K. JOYCE
General Counsel

November 1, 2001

Mr. Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge
Missouri Public Service Commission
Post Office Box 360
Jefferson City, Missouri 65102

RE: Proposed Rule 4 CSR 240-2.045 Electronic Filing

Dear Mr. Roberts:

Executive Order 96-18 requires state agencies to determine whether a proposed rulemaking will have direct economic impact on small businesses of five hundred dollars or more in the aggregate. A small business is defined in the Executive Order as an independently owned and operated business entity that employs fifty or fewer full-time employees.

This proposed rule prescribes the procedure for electronic filing before the Public Service Commission and is not estimated to have a direct economic impact on small businesses of five hundred dollars or more in the aggregate.

Please let me know if you have any questions on this issue.

Very truly yours,

Kevin A. Thompson
Deputy Chief Regulatory Law Judge

KAT:jp

FILED

DEC 10 2001



Missouri Public
Service Commission

Commissioners
KELVIN L. SIMMONS
Chair
CONNIE MURRAY
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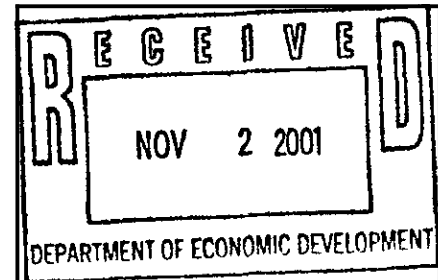
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Secretary/Chief Regulatory Law Judge
DANA K. JOYCE
General Counsel

Mr. Joseph L. Driskill, Director
Department of Economic Development
Harry S Truman State Office Building
301 West High Street
Jefferson City, Missouri 65109



RE: Affidavit for Proposed Rule 4 CSR 240-2.045 Electronic Filing
P.S.C. Case No. AX-2002-156

Dear Mr. Driskill:

As required by statute, attached for your signature is an affidavit for Proposed Rule 4 CSR 240-2.045, Electronic Filing, of the Public Service Commission rules. A copy of the Proposed Rule is also enclosed, as well as copies of the takings and small business impact analyses.

If you have any questions, please feel free to contact me at 573-751-6514.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kevin A. Thompson".

Kevin A. Thompson
Deputy Chief Regulatory Law Judge

KAT:jp

Enclosures: Affidavit for 4 CSR 240-2.045 Electronic Filing
Proposed Rule - 4 CSR 240-2.045 Electronic Filing
Takings Analysis
Small Business Impact Analysis

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

PROPOSED RULE

4 CSR 240-2.045 Electronic Filing

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(3) The electronic filing of an item or document as described in this rule shall satisfy an obligation to file the same if accomplished no later than the date upon which such filing is required.

AUTHORITY: Section 386.410, RSMo 2000. Original rule filed Nov. 1999, 2001.

PUBLIC ENTITY COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE ENTITY COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments shall be filed on or before [DATE]. Comments should refer to Case No. AX-2002-156 and be filed with an original and fourteen (14) copies. No public hearing is scheduled.

MEMORANDUM

FILED³

DEC 10 2001

TO: Dale Hardy Roberts, Secretary

DATE: December 6, 2001

RE: Authorization to File Proposed Rule With the Office of Secretary of State

CASE NO: AX-2002-156

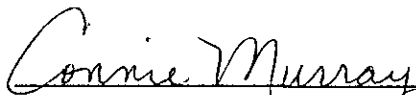
Missouri Public
Service Commission

The undersigned Commissioners hereby authorize the Secretary of the Missouri Public Service Commission to file a Proposed Rule with the Office of Secretary of State, to wit:

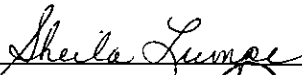
4 CSR 240-2.045 Electronic Filing



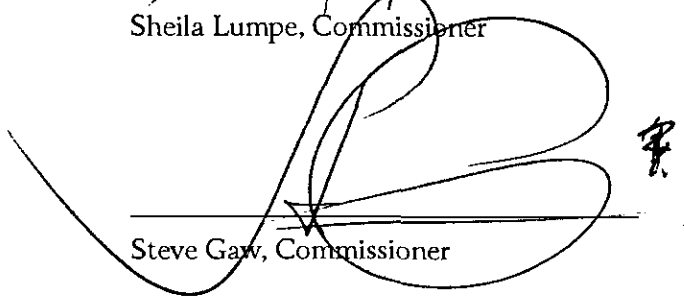
Kelvin L. Simmons, Chair



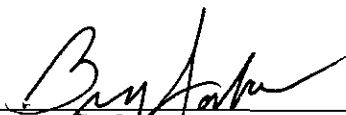
Connie Murray, Commissioner



Sheila Lumpe, Commissioner



Steve Gaw, Commissioner



Bryan Forbis, Commissioner

**4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
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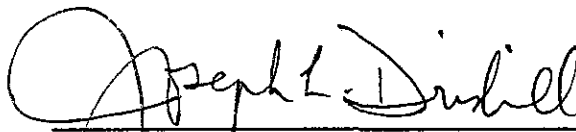
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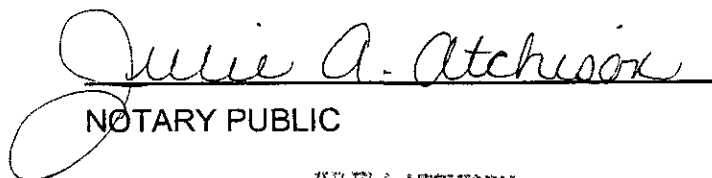
}

I, Joseph L. Driskill, Director of the Department of Economic Development, first being duly sworn on my oath state that it is my opinion that the cost of **Proposed Rule 4 CSR 240-2.045, Electronic Filing**, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.



Joseph L. Driskill
DIRECTOR
Department of Economic Development

Subscribed and sworn to before me this 29th day of November, 2001. I am commissioned as a notary public within the County of Callaway, State of Missouri, and my commission expires on September 21, 2004.



NOTARY PUBLIC

JULIE A. ATCHISON
NOTARY PUBLIC
NOTARY PUBLIC STATE OF MISSOURI
CALLAWAY COUNTY
MY COMMISSION EXP. SEPT 21, 2004



Commissioners
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Chair
CONNIE MURRAY
SHEILA LUMPE
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November 1, 2001

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Missouri Public Service Commission
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Deputy Chief Regulatory Law Judge

KAT:jp



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