

Robin Carnahan
Secretary of State
Administrative Rules Division

RULE TRANSMITTAL

Administrative Rules Stamp

RECEIVED

NOV 04 2009

SECRETARY OF STATE
ADMINISTRATIVE RULES

Rule Number Rescission of 4 CSR 240-4.020 Conduct During Proceedings

Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:

Content Morris L. Woodruff Phone 573-751-2849 FAX 573-526-6010

Email address morris.woodruff@psc.mo.gov

Data Entry Morris Woodruff Phone 573-751-2849 FAX 573-526-6010

Email address morris.woodruff@psc.mo.gov

Interagency mailing address PSC, Ste 900, Gov. Ofc. Bldg., Jefferson City, MO 65102

TYPE OF RULEMAKING ACTION TO BE TAKEN

☐ Emergency rulemaking, include effective date

☒ Proposed Rulemaking

☐ Withdrawal ☐ Rule Action Notice ☐ In Addition ☐ Rule Under Consideration

☐ Order of Rulemaking

Effective Date for the Order _____

☐ Statutory 30 days OR Specific date _____

Does the Order of Rulemaking contain changes to the rule text? ☐ NO

☐ YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

Small Business Regulatory
Fairness Board (DED) Stamp
SMALL BUSINESS
REGULATORY FAIRNESS BOARD

NOV 04 2009

RECEIVED

JCAR Stamp

JOINT COMMITTEE ON

NOV 04 2009

ADMINISTRATIVE RULES



Commissioners

ROBERT M. CLAYTON III
Chairman

JEFF DAVIS

TERRY M. JARRETT

KEVIN GUNN

ROBERT S. KENNEY

Missouri Public Service Commission

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

WESS A. HENDERSON
Executive Director

DANA K. JOYCE
Director, Administration and
Regulatory Policy

ROBERT SCHALLENBERG
Director, Utility Services

NATELLE DIETRICH
Director, Utility Operations

STEVEN C. REED
Secretary/General Counsel

KEVIN A. THOMPSON
Chief Staff Counsel

November 4, 2009

RECEIVED

NOV 04 2009

Robin Carnahan
Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, Missouri 65101

**SECRETARY OF STATE
ADMINISTRATIVE RULES**

Re: Rescission of 4 CSR 240-4.020 Conduct During Proceedings

Dear Secretary Carnahan,

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rulemaking lawfully submitted by the Missouri Public Service Commission.

The Public Service Commission has determined and hereby certifies that this proposed rulemaking will not have an economic impact on small businesses. The Public Service Commission further certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo 2000, that the proposed rulemaking does not constitute a taking of real property under relevant state and federal law, and that the proposed rulemaking conforms to the requirements of HB 191, Section 1, regarding user fees.

The Public Service Commission has determined and hereby also certifies that this proposed rulemaking complies with the small business requirements of HB 191, Section 1, in that it does not have an adverse impact on small businesses consisting of fewer than twenty-five full or part-time employees or it is necessary to protect the life, health, or safety of the public, or that this rulemaking complies with HB 191, by exempting any small business consisting of fewer than twenty-five full or part-time employees from its coverage, by implementing a federal mandate, or by implementing a federal program administered by the state or an act of the general assembly.


Statutory Authority: sections 386.410, RSMo 2000

Robin Carnahan
Secretary of State
November 4, 2009
Page Two

If there are any questions regarding the content of this proposed rulemaking, please contact:

Morris L. Woodruff, Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street
P.O. Box 360
Jefferson City, MO 65102
(573) 751-2849
morris.woodruff@psc.mo.gov

Sincerely,

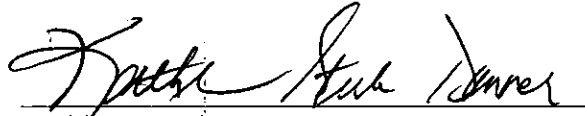

Morris L. Woodruff
Chief Regulatory Law Judge

AFFIDAVIT


PUBLIC COST

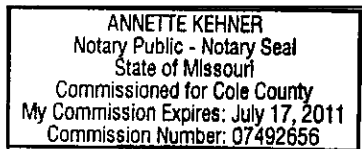
STATE OF MISSOURI)
) ss.
COUNTY OF COLE)

I, Kathleen Steele Danner, Interim Director, Missouri Department of Economic Development, first being duly sworn, on my oath, state that it is my opinion that the cost of rescinding rule, 4 CSR 240-4.020, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.


Kathleen Steele Danner
Interim Director
Department of Economic Development

Subscribed and sworn to before me this 3rd day of November, 2010. I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on 17 July 2011.





Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT

DIVISION 240 – Public Service Commission
Chapter 4– Standards of Conduct

PROPOSED RESCISSION

RECEIVED

NOV 04 2009

SECRETARY OF STATE
ADMINISTRATIVE RULES

4 CSR 240-4.020 Conduct During Proceedings. This rule prohibits activities that would tend to exercise influence on the commission and which are not a part of the record.

PURPOSE: This rule is being rescinded and readopted in a revised form.

AUTHORITY: section 386.410, RSMo 2000. Original rule filed Dec. 19, 1975, effective December 29, 1975. Amended: Filed April 26, 1976, effective Sept. 11, 1976.

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

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

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed rescission with the Missouri Public Service Commission, Steven C. Reed, Secretary of the Commission, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the Commission's offices on or before January 21, 2010, and should include a reference to Commission Case No. AX-2010-0128. Comments may also be submitted via a filing using the Commission's electronic filing and information system at <http://www.psc.mo.gov/case-filing-information>. A public hearing regarding this proposed rescission is scheduled for January 22, 2010 at 9:00 a.m. in Room 305 of the commission's offices in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rescission, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 (voice) or Relay Missouri at 711.

JOINT COMMITTEE ON

NOV 04 2009

ADMINISTRATIVE RULES

Small Business Regulator Fairness Board Small Business Impact Statement

Date: 10/23/09

Rule Number: 4 CSR 240-4.020

Name of Agency Preparing Statement: Public Service Commission

Name of Person Preparing Statement: Steven Reed, Secretary/General Counsel

Phone Number: 751-3015 Email: steven.reed@psc.mo.gov

Name of Person Approving Statement: Steven Reed, Secretary/General Counsel

Please describe the methods your agency considered or used to reduce the impact on small businesses (examples: consolidation, simplification, differing compliance, differing reporting requirements, less stringent deadlines, performance rather than design standards, exemption, or any other mitigating technique).

None. There is little impact on small businesses other than a requirement to comply with this ethics rule.

Please explain how your agency has involved small businesses in the development of the proposed rule.

All entities regulated by the Commission were allowed an opportunity to participate in the development of this rescission.

Please list the probable monetary costs and benefits to your agency and any other agencies affected. Please include the estimated total amount your agency expects to collect from additionally imposed fees and how the moneys will be used.

None.

Please describe small businesses that will be required to comply with the proposed rule and how they may be adversely affected.

Small businesses such as water and sewer companies, manufactured housing dealers and installers, and law firms have to comply with this ethics rule. No adverse effect is anticipated.

Please list direct and indirect costs (in dollars amounts) associated with compliance.

None.

Please list types of business that will be directly affected by, bear the cost of, or directly benefit from the proposed rule.

Small businesses such as water and sewer companies, manufactured housing dealers and installers, and law firms will have to comply with this ethics rule. No monetary cost or benefit is anticipated by the rule.

Does the proposed rule include provisions that are more stringent than those mandated by comparable or related federal, state, or county standards?

Yes ____ No XX

If yes, please explain the reason for imposing a more stringent standard.

For further guidance in the completion of this statement, please see §536.300, RSMo.

FISCAL NOTE

PUBLIC COST

I. RULE NUMBER

Rule Number and Name	Type of Rulemaking
4 CSR 240-4.020 Conduct During Proceedings	Rescission

II. SUMMARY OF FISCAL IMPACT

State agencies or political subdivisions that will likely be affected by rescission of the rule.	Estimated aggregate cost of compliance with the proposed rescission by the affected entities.
Public Service Commission Office of the Public Counsel	Less than \$500.

III. WORKSHEET

Not Applicable

IV. ASSUMPTIONS

If rescinded rule will be replaced with a new rule that will govern ex parte and extra record communications between the Commissioners and parties to cases before the Commission. The new rule defines ex parte and extra record communications, places prohibitions on the timing and content of certain communications, establishes exceptions to prohibited communications, and provides reporting requirements for certain communications.

FISCAL NOTE

PRIVATE COST

I. RULE NUMBER

Rule Number and Name	Type of Rulemaking
4 CSR 240-4.020 Conduct During Proceedings	Rescission

II. SUMMARY OF FISCAL IMPACT

Estimated number of entities that will likely be affected by rescission of the rule.	Types of entities that will likely be affected by rescission of the rule.	Estimated aggregate cost of compliance with the rule by the affected entities.
1000	Entities regulated by the Public Service Commission and Parties to Contested Cases	Less than \$500

III. WORKSHEET

Not applicable.

IV. ASSUMPTIONS

If rescinded the rule will be replaced with a new rule that will govern ex parte and extra record communications between the Commissioners and parties to cases before the Commission. The new rule defines ex parte and extra record communications, places prohibitions on the timing and content of certain communications, establishes exceptions to prohibited communications, and provides reporting requirements for certain communications.