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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        ) Case No. EX-99-442  
- Electric Utilities Affiliate Transactions.                )

In the Matter of 4 CSR 240-80.015 Proposed Rule        ) Case No. HX-99-443  
- Steam Heating Utilities Affiliate Transactions.            )

In the Matter of 4 CSR 240-40.015 Proposed Rule        ) Case No. GX-99-444  
- Gas Utilities Affiliate Transactions.                    )

In the Matter of 4 CSR 240-40.016 Proposed Rule        ) Case No. GX-99-445  
- 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*

**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