

# **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

## **Division 240—Public Service Commission Chapter 2—Practice and Procedure**

### **PROPOSED RESCISSION**

4 CSR 240-2.040 Practice Before the Commission. This rule set forth who may practice as an attorney before the commission.

*PURPOSE: This rule is being rescinded and resubmitted to avoid confusion because of the many changes being proposed.*

*AUTHORITY: section 386.410, RSMo 1994. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed Nov. 7, 1984, effective June 15, 1985. Rescinded and readopted: Filed March 10, 1995, effective Nov. 30, 1995. Rescinded: Filed Aug. 24, 1999.*

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

*PRIVATE ENTITY COST: This proposed rescission 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 rescission 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 November 1, 1999. Comments should refer to Case No. AX-2000-110 and be filed with an original and fourteen copies. No public hearing is scheduled.*

# **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

## **Division 240—Public Service Commission Chapter 2—Practice and Procedure**

### **PROPOSED RULE**

4 CSR 240-2.040 Practice Before the Commission

*PURPOSE: This rule sets forth who may practice as an attorney before the commission.*

(1) The general counsel represents the staff in investigations, contested cases and other proceedings and appears for the commission in all courts and before federal regulatory bodies; and in general performs all duties and services as attorney and counsel to the commission which the commission may reasonably require.

(2) The public counsel represents the interests of the public before the commission.

(3) Attorneys who wish to practice before the commission shall fully comply with its rules and also comply with one (1) of the following criteria:

(A) An attorney who is licensed to practice law in the state of Missouri, and in good standing, may practice before the commission;

(B) A nonresident attorney who is a member of the Missouri Bar in good standing, but who does not maintain an office for the practice of law within the state of Missouri, may appear as in the case of a resident attorney;

(C) Any attorney who is not a member of the Missouri Bar, but who is a member in good standing of the bar of any court of record may petition the commission for leave to be permitted to appear

and participate in a particular case under all of the following conditions:

1. The visiting attorney shall file in a separate pleading a statement identifying each court of which that attorney is a member and certifying that neither the visiting attorney nor any member of the attorney's firm is disqualified to appear in any of these courts;

2. The statement shall designate some member in good standing of the Missouri Bar having an office within Missouri as associate counsel; and

3. The designated Missouri attorney shall simultaneously enter an appearance as an attorney of record.

(4) An eligible law student may petition the commission to be allowed to appear. Such application must comply with any applicable rules or statutes.

(5) Practice by Nonattorneys. A natural person may represent himself or herself. Such practice is strictly limited to the appearance of a natural person on his or her own behalf and shall not be made for any other person or entity.

(6) After an attorney has entered an appearance for any party, the attorney may withdraw only by leave of the commission.

*AUTHORITY: section 386.410, RSMo Supp. 1998. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed Nov. 7, 1984, effective June 15, 1985. Rescinded and readopted: Filed March 10, 1995, effective Nov. 30, 1995. Rescinded and readopted: Filed Aug. 24, 1999.*

*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 November 1, 1999. Comments should refer to Case No. AX-2000-110 and be filed with an original and fourteen copies. No public hearing is scheduled.*

## **Division 240—Public Service Commission Chapter 2—Practice and Procedure**

### **PROPOSED RESCISSION**

4 CSR 240-2.050 Computation of Effective Dates. This rule set standards for computation of effective dates of any order or time prescribed by the commission when no specific date was set by commission order.

*PURPOSE: This rule is being rescinded and resubmitted to avoid confusion because of the many changes being proposed.*

*AUTHORITY: section 386.410, RSMo 1994. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed Nov. 7, 1984, effective June 15, 1985. Rescinded and readopted: Filed March 10, 1995, effective Nov. 30, 1995. Rescinded: Filed Aug. 24, 1999.*

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

**PRIVATE ENTITY COST:** *This proposed rescission 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 rescission 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 November 1, 1999. Comments should refer to Case No. AX-2000-III and be filed with an original and fourteen copies. No public hearing is scheduled.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT**

**Division 240—Public Service Commission  
Chapter 2—Practice and Procedure**

**PROPOSED RULE**

**4 CSR 240-2.050 Computation of Effective Dates**

**PURPOSE:** *This rule sets standards for computation of effective dates of any order or time prescribed by the commission when no specific date is set by commission order.*

(1) In computing any period of time prescribed or allowed by the commission, the day of the order, act, event, or default shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday or legal holiday, in which case the period runs until the end of the next day which is not a Saturday, Sunday or legal holiday. This rule does not apply when the commission establishes a specific date by which an action must occur, nor does it operate to extend effective dates which are established by statute.

(2) In computing the effective date of any order of the commission, the order is considered effective at 12:01 a.m. on the effective date designated in the order, whether or not the date is a Saturday, Sunday or legal holiday.

(3) When an act is required or allowed to be done by order or rule of the commission at or within a specified time, the commission, at its discretion, may—

(A) Order the period enlarged before the expiration of the period originally prescribed or as extended by a previous order; or

(B) After the expiration of the specified period, permit the act to be done where the failure to act was the result of excusable neglect.

**AUTHORITY:** *section 386.410, RSMo Supp. 1998. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed Nov. 7, 1984, effective June 15, 1985. Rescinded and readopted: Filed March 10, 1995, effective Nov. 30, 1995. Rescinded and readopted: Filed Aug. 24, 1999.*

**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 November 1, 1999. Comments should refer to Case No. AX-2000-III and be filed with an original and fourteen copies. No public hearing is scheduled.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT**

**Division 240—Public Service Commission  
Chapter 2—Practice and Procedure**

**PROPOSED RESCISSION**

**4 CSR 240-2.060 Applications.** This rule set forth the requirements which must be met by applications to the commission requesting relief under statutory or other authority.

**PURPOSE:** *This rule is being rescinded and resubmitted to avoid confusion because of the many changes being proposed.*

**AUTHORITY:** *section 386.410, RSMo 1994. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed Nov. 7, 1984, effective June 15, 1985. Amended: Filed Sept. 6, 1985, effective Dec. 15, 1985. Amended: Filed Feb. 3, 1987, effective May 1, 1987. Amended: Filed May 11, 1988, effective Aug. 11, 1988. Amended: Filed Feb. 5, 1993, effective Oct. 10, 1993. Rescinded and readopted: Filed March 10, 1995, effective Nov. 30, 1995. Rescinded: Filed Aug. 24, 1999.*

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

**PRIVATE ENTITY COST:** *This proposed rescission 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 rescission 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 November 1, 1999. Comments should refer to Case No. AX-2000-II2 and be filed with an original and fourteen copies. No public hearing is scheduled.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT**

**Division 240—Public Service Commission  
Chapter 2—Practice and Procedure**

**PROPOSED RULE**

**4 CSR 240-2.060 Applications**

**PURPOSE:** *Applications to the commission requesting relief under statutory or other authority must meet the requirements set forth in this rule.*

(1) All applications shall comply with the requirements of these rules and shall include the following information:

(A) The legal name of each applicant, a statement of the nature of each applicant, whether a Missouri corporation, foreign corporation, partnership, proprietorship, or other business organization, the street and mailing address of the principal office or place of business of each applicant and each applicant's electronic mail address, fax number and telephone number, if any;

(B) If any applicant is a Missouri corporation, a Certificate of Good Standing from the secretary of state;

(C) If any applicant is a foreign corporation, a certificate from the secretary of state that it is authorized to do business in Missouri;

(D) If any applicant is a partnership, a copy of the partnership agreement;