

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

In the Matter of Proposed Amendment to     )  
Commission Rule 4 CSR 240-18.010.         )

Case No. EX-2003-

**MOTION FOR FINDING OF NECESSITY FOR RULEMAKING**

COMES NOW the Staff ("Staff") of the Missouri Public Service Commission ("Commission"), by and through its Office of General Counsel, pursuant to section 536.016 RSMo 2000, and for its Motion For Finding Of Necessity For Rulemaking, respectfully states as follows:

Section 536.016 RSMo 2000 provides that a state agency shall propose rules based upon "a finding by the agency that the rule is necessary to carry out the purposes of the statute that granted such rulemaking authority."

2. Pursuant to Sections 386.310 and 394.160 RSMo 2000, in order to establish minimum safety standards relating to the operation of electric and telephone utilities and rural electric cooperatives, Commission rule 4 CSR 240-18.010 adopts, in specified part, the 1997 edition of the *American National Standard, National Electrical Safety Code* ("NESC"). The 1997 edition of NESC has been updated.

3. Attached as Appendix A is the Staff's notarized affidavit concerning the necessity for this rulemaking.

WHEREFORE, the Staff respectfully requests that the Commission find that the proposed rulemaking is necessary.

Respectfully submitted,

DANA K. JOYCE  
General Counsel

/s/ Dennis L. Frey

Dennis L. Frey  
Senior Counsel  
Missouri Bar No. 44697

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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or emailed to all counsel of record this 31<sup>st</sup> day of March 2003.

/s/ Dennis L. Frey

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**AFFIDAVIT**

1. In 4 CSR 240-18.010, the Missouri Public Service Commission (Commission) adopted the 1997 Edition of the National Electrical Safety Code (NESC), a publication approved by the American National Standards Institute (ANSI). The NESC provides minimum standards for construction and operation of electric facilities in order to ensure public safety.

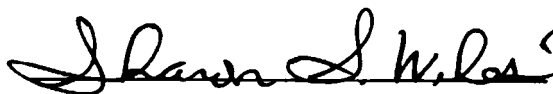
2 The 2002 Edition of the NESC has been adopted by ANSI and the Commission rule should be updated to reference the 2002 Edition.

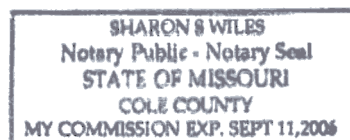
I certify that I have read the foregoing statement and that the facts therein are complete, true and accurate to the best of my knowledge and belief.

  
Affiant

Subscribed and sworn to before me, the undersigned notary public on

March 27, 2003.





Appendix A