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AX-2002-66

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Missouri Public
Service Commission

SECRETARY OF STATE
ADMINISTRATIVE RULES

MATT BLUNT
Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

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

- A. Rule Number 4 CSR 240-2.080
Diskette File Name 2.080 order of rulemaking (Word 2000 format)
Name of Person to call with questions about this rule:
Context Nancy Dippell Phone 573-751-4393 FAX 573-526-6010
Data Entry Judy Pope Phone 573-751-6526 FAX 573-526-6010
Interagency Mailing Address Governor Office Building, 200 Madison Street, Suite 900,
Jefferson City, MO
Statutory Provision for Rulemaking
Authority 386.410 Provide Most Current RSMo Year 2000
Date 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 OTHER _____
_____ Private Entity Fiscal Note _____
- C. RULEMAKING ACTION TO BE TAKEN
_____ Emergency Rulemaking, Must Specify Effective Date
_____ Proposed Rulemaking (New Rule or Amendment or Rescission of Existing 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 4 CSR 240-2.080

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.



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>

February 7, 2002

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 Order of Rulemaking lawfully submitted by the Missouri Public Service Commission for filing this 7th day of February, 2002.

Rule: 4 CSR 240-2.080 Pleadings, Filing, and Service

Statutory authority: 386.410, RSMo 2000

Effective date of the rule: 30 days after publication in the *Code of State Regulations*

Missouri Public Service Commission Case No.: AX-2002-66

If there are any questions, please contact: Nancy Dippell, Senior Regulatory Law Judge
Missouri Public Service Commission
Governor Office Building, 9th Floor
200 Madison Street
Jefferson City, Missouri 65102
Phone: (573) 751-4393
E-mail: ndippell@mail.state.mo.us

BY THE COMMISSION

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

DHR:ND:jp

Enclosures: Transmittal, 4 CSR 240-2.080 Order of Rulemaking (hard copy + copy on 3-1/2" diskette)

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FEB 07 2002

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

**SECRETARY OF STATE
ADMINISTRATIVE RULES**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.410, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-2.080 Pleadings, Filing, and Service is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2001 (26 MoReg 1965-1966). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: One comment was received requesting changes to the service requirement.

COMMENT: One comment from the Commission's Staff was received which suggested further revision to the rule by amending sections (8) and (18). The commentor stated that the rule should be further amended to require an additional copy to be filed with the Commission which would be routed to the Commission's General Counsel's Office. The commentor proposes this copy replace the usual service copy required by section (10) of the rule. The commentor stated that this will avoid the delay that occurs when service is made by regular mail. The commentor also suggested that the Commission take a more comprehensive review of the filing rule and require that parties filing by non-electronic means be required to "contemporaneously serve represented parties on the date of filing with the Commission."

RESPONSE: The Commission disagrees with the commentor that the suggested change is appropriate at this time. The major purpose of these proposed amendments is to allow parties to decrease the number of paper copies they must file with the Commission by providing for electronic filing and service methods. The Commission finds, therefore, that any amendment changing the service requirements, such as requiring simultaneous service on the parties with filing at the Commission, should only be implemented after notice and an opportunity for comments on that issue. The Commission will consider making further amendments to the rule in a separate rulemaking. The amendments as proposed were intended to only address methods for electronic service that will ultimately increase the speed with which the commentor receives service for many pleadings. Therefore, the Commission finds that the rule is appropriate as proposed and no changes are necessary.

MEMORANDUM

TO: Dale Hardy Roberts, Secretary


DATE: February 7, 2001

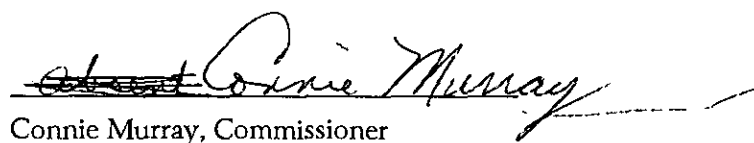
RE: Authorization to File Order of Rulemaking With the Office of Secretary of State

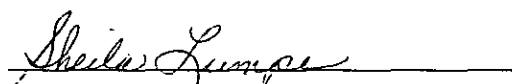
CASE NO: AX-2002-66


The undersigned Commissioners hereby authorize the Secretary of the Missouri Public Service Commission to file an Order of Rulemaking with the Office of Secretary of State, to wit:

4 CSR 240-2.080 Pleadings, Filing, and Service


Kelvin L. Simmons, Chair


Connie Murray, Commissioner


Sheila Lumpe, Commissioner


Steve Graw, Commissioner


Bryan Forbis, Commissioner

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

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