

MEMORANDUM

FILED³

DEC 14 1999

TO: Dale Hardy Roberts, Secretary

DATE: December 7, 1999

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


CASE NO.: OX-2000-175
4 CSR 240-18.010

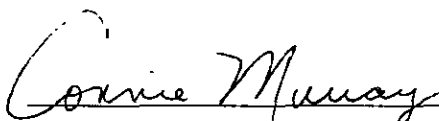
AGENDA DATE: December 14, 1999

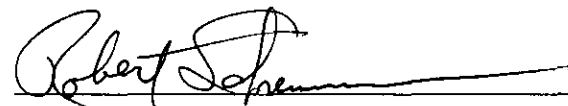
Missouri Public
Service Commission

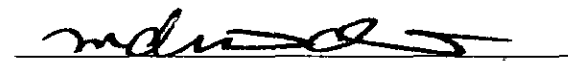
The undersigned Commissioners hereby authorize the Secretary of the Missouri Public Service Commission to file Order of Rulemaking with the Office of Secretary of State.


Sheila Lumpe, Chair


Harold Crumpton, Commissioner


Connie Murray, Commissioner


Robert Schemenauer, Commissioner


M. Dianne Drainer, Vice Chair

COPY

Administrative Rules Stamp

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**SECRETARY OF STATE
ADMINISTRATIVE RULES DIVISION**

REBECCA MCDOWELL COOK
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 240-18.010

Diskette File Name 18.010 order of rulemaking (Word 97 format)

Name of Person to call with questions about this rule:

Context Morris L. Woodruff Phone 573-751-2849 FAX 573-526-7341

Data Entry Lonnell Boyce Phone 573-751-3350 FAX 573-751-1847

Interagency Mailing Address Truman Bldg., 301 W. High St., Room 530, Jefferson City, MO

Statutory Provision for Rulemaking

Authority §§ 386.310 RSMo (1998) and 394.160 RSMo (1994) Provide Most Current RSMo Year 1998

Date Filed With the Joint Committee on Administrative Rules Exempt per Sections 536.024 and 536.037, RSMo Supp. 1998, 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

☐ Private Entity Fiscal Note

OTHER

C. RULEMAKING ACTION TO BE TAKEN

☐ Emergency Rulemaking, Must Specify Effective Date

☐ Proposed Rulemaking (Amendment to 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 240-18.010

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.

(Start text here. If text continues to a third page, insert a continuous section break and, in section 3, delete the footer language that appears at the bottom of this page.)

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ADMINISTRATIVE RULES DIVISION**

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

SHELLA LUMPE
Chair

HAROLD CRUMPTON

CONNIE MURRAY

ROBERT G. SCHEMENAUER

M. DIANNE DRAINER
Vice Chair

Missouri Public Service Commission

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

December 14, 1999

GORDON L. PERSINGER
Acting Executive Director
Director, Research and Public Affairs

WESS A. HENDERSON
Director, Utility Operations

ROBERT SCHALLENBERG
Director, Utility Services

DONNA M. KOLILIS
Director, Administration

DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE
General Counsel

Honorable Rebecca McDowell Cook
Secretary of State
600 West Main Street
Jefferson City, Missouri 65101

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**SECRETARY OF STATE
ADMINISTRATIVE RULES DIVISION**

ATTENTION: Administrative Rules Division

I do hereby certify that the attached is an accurate and complete copy of the Order of Rulemaking lawfully submitted by the Missouri Public Service Commission for filing this 14th day of December, 1999, and that a takings analysis and small business impact analysis have occurred.

Rule: 4 CSR 240-18.010 – Safety Standards – Electric and Telephone Utilities and Rural Electric Cooperatives

Statutory authority: Sections 386.310, RSMo Supp. 1998, and 394.160, RSMo 1994

Missouri Public Service Commission Case No.: OX-2000-175

If there are any questions, please contact: Morris L. Woodruff, Regulatory Law Judge
Missouri Public Service Commission
301 West High Street, Room 530
Post Office Box 360
Jefferson City, Missouri 65102
(573) 751-2849

BY THE COMMISSION

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

DHR:MLW:lfb

Enclosures: Packet for Order of Rulemaking 4 CSR 240-18.010
+Order of Rulemaking in Word 97 format on 3-1/2" diskette

**Title 4 - DEPARTMENT OF ECONOMIC
DEVELOPMENT**

Division 240 - Public Service Commission

Chapter 18 - Safety Standards

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**SECRETARY OF STATE
ADMINISTRATIVE RULES DIVISION**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.310, RSMo Supp. 1998, and section 394.160, RSMo 1994, the commission amends a rule as follows:

4 CSR 240-18.010 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 1, 1999 (24 MoReg 2340). 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*.

A public hearing was held on November 3, 1999. Written comments were also submitted.

COMMENT: A comment was received from the Office of the Public Counsel indicating its support for the proposed amendment.

RESPONSE: The Commission thanks the Office of the Public Counsel for its comment.

COMMENT: A comment was received from Union Electric Company d/b/a AmerenUE indicating its support for the proposed amendment.

RESPONSE: The commission thanks Union Electric Company d/b/a AmerenUE for its comment.

COMMENT: A comment was received from the Small Telephone Company Group indicating its general support for the Commission's adoption of sections of the 1997 Edition of the National Electric Safety Code to replace the corresponding sections of the 1993 Edition that are adopted in the current rule. The Small Telephone Company Group suggested that the rule revision should state that it is effective only on a going forward basis.

RESPONSE: The Commission thanks the Small Telephone Company Group for its comment. A witness for the Staff of the Public Service Commission addressed the Small Telephone Company Group's concern at the public hearing. The witness indicated that the National Electric Safety Code already states that it applies only to new construction and does not require changes to previously existing structures. Therefore there would be no need to state in this rule that it is effective only on a going forward basis as that limitation is already implied in the National Electric Safety Code.

No other comments were received.