

**STATE OF MISSOURI
PUBLIC SERVICE COMMISSION
JEFFERSON CITY
January 17, 2002**

CASE NO: AX-2002-156

**Office of the Public Counsel
P.O. Box 7800
Jefferson City, MO 65102**

**General Counsel
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102**

Enclosed find certified copy of an PROPOSED RULE in the above-numbered case(s).

Sincerely,

A handwritten signature in black ink that reads "Dale Hardy Roberts". The signature is written in a cursive, slightly slanted style.

**Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge**

PURPOSE: This amendment establishes the fees for biennial renewals and deletes the research and copying fees pursuant to section 610.026, RSMo which states fees for copying records shall not exceed the actual cost of document search and duplication.

(1) The following fees are established by the State Board of Optometry:

(D) Biennial Renewal Fee	[\$ 110.00] \$220.00
[(M) Photocopies of Records Fee (initial page)]	\$1.00
[(N) Photocopies of Records Fee (per copy after one (1))]	\$.25
[(O) Research Fee (per hour, requiring more than one (1) hour of staff time)]	\$10.00]
[(P)] (M) Uncollectible Fee (uncollectible check or other uncollective financial instrument)	\$ 25.00
[(Q)] (N) Law Book Requests Fee	\$ 5.00***
[(R)] (O) [Annual] Biennial Continuing Education Sponsor Fee	\$ 25.00
[(S)] (P) Continuing Education Penalty Fee (reporting continuing education hours obtained after the end of the reporting period)	\$ 50.00

***When administered separately from the National Board of Examiners in Optometry (NBEO) [Clinical Skills/Visual Recognition and Interpretation of Clinical Signs (VRICS)] Patient Assessment and Management (PAM) exam.

AUTHORITY: section 336.160, RSMo [1994] Supp. 2001. Emergency rule filed June 30, 1981, effective July 9, 1981, expired Nov. 11, 1981. Original rule filed June 30, 1981, effective Oct. 12, 1981. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 14, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate as the board is merely implementing a biennial renewal for its licensees.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Optometry, Sharlene Rimiller, Executive Director, PO Box 1335, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. 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 240-2.045 Electronic Filing

PURPOSE: This rule prescribes the procedure for electronic filing before the commission.

(1) Any item or document otherwise required or permitted to be filed with the commission may be filed electronically by accessing the commission's Internet web site and following the instructions for electronic filing found there.

(2) Any item or document filed electronically shall, if received during business hours of the commission's records room, be considered filed as of that day, otherwise, such item or document shall be considered filed as of the next following business day.

(3) The electronic filing of an item or document as described in this rule shall satisfy an obligation to file the same if accomplished no later than the date upon which such filing is required.

AUTHORITY: section 386.410, RSMo 2000. Original rule filed Dec. 7, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$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, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. Comments should refer to Case No. AX-2002-156 and be filed with an original and six (6) copies. No public hearing is scheduled.

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

PROPOSED AMENDMENT

4 CSR 240-2.075 Intervention. The commission is amending section (6) and adding a new section (7).

PURPOSE: The purpose of this amendment is to clarify the proceedings applicable to *amici curiae* and to impose on intervenors an obligation to file a responsive pleading.

(6) Any person not a party to a case may petition the commission for leave to file a brief as an *amicus curiae*. The petition for leave must state the petitioner's interest in the matter and explain why an *amicus* brief is desirable and how the matters asserted are relevant to the determination of the case. The brief may be submitted simultaneously with the petition for leave. Except by leave of the commission, the brief must be filed no later than seven (7) days after the parties have filed their initial briefs. If leave to file a brief as an *amicus curiae* is granted, the brief shall be deemed filed on the date submitted. An *amicus curiae* may not file a reply brief.

(7) Any party whose application to intervene is granted shall, within thirty (30) days thereafter or such other period as the commission may order, file a responsive pleading to the application, complaint or tariff that is the subject of the contested case, specifically admitting or denying each fact asserted therein.

AUTHORITY: section 386.410, RSMo [Supp. 1998] 2000. Original rule filed March 10, 1995, effective Nov. 30, 1995. Rescinded and readopted: Filed Aug. 24, 1999, effective April 30, 2000. Amended: Filed Dec. 7, 2001.

FILED

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Missouri Public Service Commission

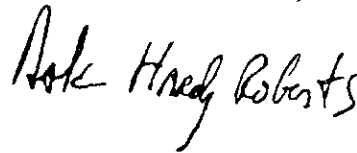
AX-2002-156

STATE OF MISSOURI

OFFICE OF THE PUBLIC SERVICE COMMISSION

I have compared the preceding copy with the original on file in this office and
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,
Missouri, this 17th day of Jan. 2002 .



Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge