



**Robin Carnahan**  
Secretary of State

**Administrative Rules Division  
Rulemaking Transmittal Receipt**

Rule ID: 13820  
Date Printed: 2/21/2012  
Rule Number: 4 CSR 240-4.020  
Rulemaking Type: Final Order Withdrawal  
Date Submitted to Administrative Rules Division: 2/21/2012  
Date Submitted to Joint Committee on Administrative Rules: 1/18/2012

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Name of Person to Contact with questions concerning this rule:

Content: Morris Woodruff	Phone: 751-2849	Email: morris.woodruff@psc.mo.gov	Fax: 526-6010
RuleDataEntry:	Phone:	Email:	Fax:

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Included with Rulemaking:

Cover Letter

2/21/2012

**COPY**

**Robin Carnahan**  
Secretary of State  
Administrative Rules Division  
  
**RULE TRANSMITTAL**

Administrative Rules Stamp

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FEB 21 2012

SECRETARY OF STATE  
ADMINISTRATIVE RULES

Rule Number 4 CSR 240-4.020

Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:

Content Morris Woodruff Phone 573-751-2849 FAX 573-526-6010

Email address morris.woodruff@psc.mo.gov

Data Entry same Phone  FAX

Email address

Interagency mailing address Public Service Commission, 9<sup>th</sup> Fl, Gov.Ofc Bldg, JC, MO

TYPE OF RULEMAKING ACTION TO BE TAKEN

☐ Emergency rulemaking, include effective date

☐ Proposed Rulemaking

☒ Withdrawal ☐ Rule Action Notice ☐ In Addition ☐ Rule Under Consideration

☐ Order of Rulemaking

Effective Date for the Order

☒ Statutory 30 days OR Specific date

Does the Order of Rulemaking contain changes to the rule text? ☒ NO

☐ YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

Small Business Regulatory  
Fairness Board (DED) Stamp

JCAR Stamp

**JOINT COMMITTEE ON**

JAN 18 2012

**ADMINISTRATIVE RULES**



Commissioners

KEVIN GUNN  
Chairman

TERRY M. JARRETT

ROBERT S. KENNEY

STEPHEN M. STOLL

VACANT

*Missouri Public Service Commission*

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

WESS A. HENDERSON  
Director of Administration  
and Regulatory Policy

STEVEN C. REED  
Secretary/General Counsel

CHERLYN D. VOSS  
Director of Regulatory Review

Robin Carnahan  
Secretary of State  
Administrative Rules Division  
600 West Main Street  
Jefferson City, Missouri 65101

Re: 4 CSR 240-4.020 Ex Parte and Extra-Record Communications

Dear Secretary Carnahan,

CERTIFICATION OF ADMINISTRATIVE RULE

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.

Statutory Authority: section 386.410

If there are any questions regarding the content of this proposed rulemaking, please contact:

Morris L. Woodruff, Chief Regulatory Law Judge  
Missouri Public Service Commission  
200 Madison Street  
P.O. Box 360  
Jefferson City, MO 65102  
(573) 751-2849  
[morris.woodruff@psc.mo.gov](mailto:morris.woodruff@psc.mo.gov)

Sincerely,

A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff  
Chief Regulatory Law Judge

Enclosure

**COPY**

**Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT  
Division 240 – Public Service Commission  
Chapter 4 - Standards of Conduct**

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**SECRETARY OF STATE  
ADMINISTRATIVE RULES**

**ORDER OF RULEMAKING**

By the authority vested in the Public Service Commission under section 386.410, RSMo 2000, the commission withdraws a proposed amendment to its rule as follows:

**The proposed amendment to 4 CSR 240-4.020 is withdrawn.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on November 1, 2011 (36 MoReg 2230). This proposed amendment is withdrawn.

**SUMMARY OF COMMENTS:** The public comment period ended December 1, 2011, and on December 5, 2011, the commission held a public hearing on the proposed amendment. Timely written comments were received from the Office of the Public Counsel; Union Electric Company, d/b/a Ameren Missouri; AARP Missouri and the Consumers Council of Missouri; the Missouri Retailers Association; and the Missouri Industrial Energy Consumers. In addition, each of the entities that offered written comments offered comments at the hearing. The comments generally oppose the proposed amendment.

**RESPONSE:** The commission intended to amend its ex parte and extra-record rule simply to improve the operation of the rule in light of experience gained since the rule went into effect. The comments express concern that the amendments will have the effect of weakening the ethical standards established by the rule. The commission never intended to weaken those standards, but the concerns raised in the comments point out implications of the proposed modifications that may go beyond what the Commission intended to accomplish. Rather than attempt to modify its amendment at this time, the Commission will withdraw the proposed amendment. The Commission will seek input from interested stakeholders in undertaking a review of the operations of its ex parte and extra-record rule before again proposing to amend that rule.

**JOINT COMMITTEE ON  
JAN 18 2012  
ADMINISTRATIVE RULES**