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November 20, 2001

Mr. Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P. O. Box 360  
Jefferson City, MO 65102

FILED

NOV 20 2001

Missouri Public  
Service Commission

**Re: Case No. AX-2002-159**

Dear Mr. Roberts:

Enclosed for filing in the above-referenced case, please find the original and 8 copies of the **Public Counsel's Request for Circulation of Drafts and Opportunity for Early Comments**. I have on this date mailed, faxed, and/or hand-delivered the appropriate number of copies to parties of record. Please "file" stamp the extra-enclosed copy and return it to this office.

Thank you for your attention to this matter.

Very truly yours,

Michael F. Dandino  
Senior Public Counsel

MFD:kh

cc: Counsel of Record

Enclosure

**FILED**  
NOV 2 C 2001  
Missouri Public  
Service Commission

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

In the Matter of Proposed Rulemaking, 4 CSR 240-2.045, Electronic Filing.	) )	Case No. AX-2002-156
In the Matter of Proposed Amendments to 4 CSR 240-2.075, Intervention.	) )	Case No. AX-2002-157
In the Matter of Proposed Amendments to 4 CSR 240-2.115, Stipulations and Agreements.	) )	Case No. AX-2002-158
In the Matter of Proposed Rulemaking, 4 CSR 240-2.117, Summary Determination.	) )	Case No. AX-2002-159
In the Matter of a Proposed Rulemaking to Consolidate Filing Requirements into a New Chapter 3.	) ) )	Case No. AX-2001-654

**PUBLIC COUNSEL'S REQUEST FOR CIRCULATION OF DRAFTS  
AND OPPORTUNITY FOR EARLY COMMENTS**

COMES NOW the Office of the Public Counsel (Public Counsel) and respectfully asks the Missouri Public Service Commission to circulate drafts of the proposed revisions to the PSC procedural rules in these cases to the counsel that usually practice before the Commission, including Public Counsel, prior to publication in the Missouri Register. Public Counsel also requests an early opportunity to comment on proposed rules, including an on-the-record presentation, prior to publication. Public Counsel suggests that this early input into the rulemaking process may assist the Commission develop rules of procedure that balance the needs of the Commission and the parties that regularly practice before the Commission and create an administrative environment that provides a fair process, protects the rights of the parties and the public, and avoids unnecessary delays and expense.

In recent years, the Commission circulated drafts of proposed rules to industry members in a draft form to obtain informal comments and suggestions prior to officially proposing rules and publishing them for comments so the PSC would have the benefit of these comments while the proposals were still in draft form. In 1997, revisions to Chapter 32 (service quality) were circulated prior to formal rulemaking (TX-99-275). This was also followed in TX-99-158 (slamming) and TX-2000-159 through TX-2000-170 – Chapter 33 (Service and Billing Practices – Telecommunications Companies). In 1998 and 1999, the Commission provided considerable opportunity for parties to comment on proposed affiliate transaction rules (Case Nos. EX-99-442, HX-99-443, GX-99-444 and GX-99-445) before proposed rules were published in the Missouri Register.

This process has allowed interested parties who have specialized knowledge or interest an opportunity to have meaningful input before the proposed rules were crystallized. Public Counsel suggests that the insight and experience of the “PSC bar” would be beneficial at an early stage of rule drafting and would be beneficial to “user friendly” procedural rules. Of course, Public Counsel does not propose to limit the ability of the public or any interested party to file comments after publication in the Missouri Register.

WHEREFORE, Public Counsel asks the Commission to circulate drafts of these proposed rules and solicit comments from law firms or attorneys that have appeared regularly before the Commission and set a deadline for written comments to be filed with the Commission and a date for oral comments before the Commission.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

By: 

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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed or hand-delivered to the following this 20th day of November 2001:

**GENERAL COUNSEL**  
Missouri Public Service Commission  
PO Box 360  
Jefferson City MO 65102

A handwritten signature in black ink, appearing to be "M. D. C.", written over a horizontal line.