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November 6, 2001

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

**FILED<sup>2</sup>**  
NOV 06 2001  
Missouri Public  
Service Commission

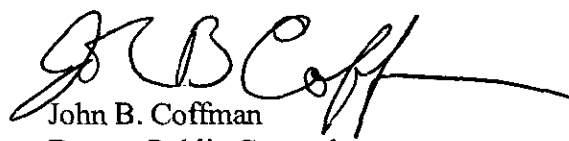
**RE: Case No. AX-2002-156**

Dear Mr. Roberts:

Enclosed for filing in the above-referenced case please find the original and eight copies of a verified **SUNSHINE LAW REQUEST**. Please "file" stamp the extra-enclosed copy and return it to this office.

Thank you for your attention to this matter.

Sincerely,

  
John B. Coffman  
Deputy Public Counsel

JBC:jb

cc: Counsel of Record

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

**FILED**<sup>2</sup>  
NOV 06 2001  
Missouri Public  
Service Commission

In the Matter of Proposed Rulemaking, 4 CSR )  
240-2.045, Electronic Filing. )

Case No. AX-2002-156

**SUNSHINE LAW REQUEST**

COMES NOW the Office of the Public Counsel (Public Counsel) and pursuant to Chapter 610 RSMo. 2000 and states as follows:

1. On September 27, 2001, the Commission issued an Order Finding Necessity for Rulemaking, stating:

The Commission on its own motion has determined that a rule, 4 CSR 240-2.045, Electronic Filing, is necessary in order to inform interested persons how they may file pleadings and other information with the Commission in an electronic format and to clarify the effect of such electronic filing. The **proposed rule** directs interested persons to the electronic filing gateway at the Commission's internet website. The **proposed rule** also clarifies when an electronically filed item is deemed filed and that an electronically filed item satisfies all Commission filing requirements. This rule will make filing documents with the Commission more efficient and less costly for each entity and each person involved. (emphasis added).

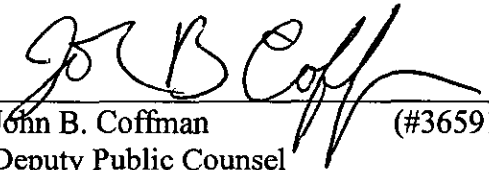
2. Public Counsel requests that the Commission make publicly available all documents circulated to the members of the Public Service Commission regarding the above docketed case, including any drafts of a proposed rule or proposed amendments to a rule. Public Counsel has searched the Commission's file on this case and cannot find any copy of the specific proposals to the Commission's rules that have been circulated to the Public Service Commission and discussed at agenda meetings, nor can Public Counsel find the proposal mentioned in the September 27, 2001 Order.

3. Public Counsel believes that the Commission could be beneficially assisted in developing proposed rule changes in this case if the public were aware of the specific rule proposal being discussed. In numerous rulemaking cases considered by the Commission in the past, regulated utilities, the Staff of the Commission, the Office of the Public Counsel, and other interested parties have been invited to provide input on potential rule changes prior to any proposed rule being submitted to the Secretary of State. The Commission's description of this rule suggests matters that could profoundly impact due process before the Commission.

4. Public Counsel's goal in seeking these records is to provide the Commission with early comments and suggestions that would benefit the public. Because this request for records serves the public interest, Public Counsel requests that all fees for locating and copying these records be waived.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

By: 

John B. Coffman

(#36591)

Deputy Public Counsel

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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 6th day of November 2001:

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

A handwritten signature in cursive script, appearing to read "Joe B. Coffey", is written over a horizontal line.