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January 11, 2002

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

FILED²
JAN 11 2002
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 **Office of the Public Counsel's Request for Hearing**. 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

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

FILED²

JAN 11 2002

Missouri Public
Service Commission

In the matter of proposed rulemaking) Case No. AX-2002-159
4 CSR 240-2.117, Summary Determination.)

OFFICE OF THE PUBLIC COUNSEL'S REQUEST FOR HEARING

COMES NOW the Office of the Public Counsel and respectfully moves the Missouri Public Service Commission to schedule and hold a public hearing to receive legislative-type testimony **prior** to issuing its final rulemaking in this case. This proposed rule will soon be published in the Missouri Register as required by law. The notice of the proposed rulemaking provides for written comments be filed within thirty days of the date of publication, but the notice also advises that "no public hearing is schedule."


Public Counsel believes that a public hearing with its interactive forum of question and answer, comment, clarification, and follow-up provides a significant opportunity for the Commission to obtain comments and input on the proposed rules by those most directly affected by the proposed rule revisions – counsel for the Staff, Public Counsel, the industrials and other interested parties. Public Counsel believes that a public hearing where counsel who regularly practice before the Commission can provide oral comments and answer questions from the regulatory law judge and Commissioners rounds out and dovetails into the written comment option and will be beneficial to the public, the bar and the Commission. Even if the notice of proposed rulemaking needs to be republished to provide adequate statutory notice of the time, date and place of the public hearings, Public Counsel submits that benefits to a full and thorough examination of the proposed rules and its effect on those parties and their counsel that come before it outweigh any cost, inconvenience or delay such republication may entail.

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For these reasons, Public Counsel asks the Public Service Commission to schedule and hold public hearings for this rulemaking and provide such notice as the law may require.

Respectfully submitted,

OFFICE OF THE PUBLIC COUNSEL

By: 

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed via U. S. Mail postage prepaid on this 11th day of January, 2002 to the following counsel of record:

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

