

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.410, RSMo Supp. 1998, the commission amends a rule as follows:

4 CSR 240-2.020 Meetings and Hearings is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 1, 1999 (24 MoReg 2142). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No public hearing was held. Written comments were submitted.

COMMENT: A comment was received from the Missouri Press Association regarding the portion of subsection (3) that allows the commission to change the principal office of the commission with reasonable prior notice to the public. The comment argued that this amendment would allow the commission to move its principal office away from Jefferson City and thus would be contrary to Section 386.120.1, RSMo 1994, which requires that "[t]he principal office of the commission shall be at the state capital at the city of Jefferson City." The comment suggests that if the commission's office were moved away from Jefferson City, it would be harder for reporters to obtain information from the commission.

RESPONSE: The commission will not make any changes to the proposed amendment. The statute cited by the Press Association requires that the offices of the commission remain in Jefferson City and the commission has no intention of attempting to move its offices to any other city. However, the commission does expect to move to a new location within Jefferson City in the near future. The language of this rule will allow the Commission to make that move without again amending this rule.

COMMENT: A comment was received from Southwestern Bell Telephone Company regarding subsection (4) of the existing rule, which defines a quorum of commissioners for conducting business. That subsection is being repealed by this amendment. The comment supports the commission's decision to eliminate the definition of quorum because the same definition already exists in statute and the inclusion of the definition in the rule is, therefore, redundant.

RESPONSE: The commission thanks Southwestern Bell Telephone Company for its comments. No other comments were received.

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ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.410, RSMo Supp. 1998, the commission amends a rule as follows:

4 CSR 240-2.030 Records of the Commission is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 1, 1999 (24 MoReg 2142-2143). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No public hearing was held. Written comments were submitted.

COMMENT: A comment was received from the Missouri Press Association regarding the portion of subsection (1) that allows the commission to establish the specific hours that case records will be available for public inspection at the office of the secretary of the commission. The comment pointed out that Section 386.120(5), RSMo 1994 requires that the offices of the commission be open during business hours. The comment suggests that this requirement also mandates that the commission's file room be open during all business hours. The Missouri Press Association suggests that when the commission's offices are open, the public has a right to expect access to the commission's records.

RESPONSE: The commission will not make any changes to the proposed amendment. The statute cited by the Press Association requires that the offices of the commission be open during business hours every day except weekends and holidays. The statute does not require that the commission's files remain available at all times that the office is open. Instead, the commission believes that it has the authority to place reasonable restrictions on the use of the file room in order to promote the efficient use of commission resources. No other comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 60—Vocational and Adult Education
Chapter 100—Adult Education**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under section 178.430, RSMo 1994, the board hereby amends a rule as follows:

5 CSR 60-100.010 is amended.

A notice of proposed rulemaking was not published because state program plans required under federal education acts or regulations are specifically exempt under section 536.021, RSMo. Public hearings were held on March 22, 1999 in Independence; March 23, 1999 in Jefferson City; March 24, 1999 in Sikeston; March 25, 1999 in St. Peters; and March 26, 1999 in Springfield. Comments received were considered prior to submitting the application to the United States Department of Education.

This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*. This rule describes Missouri's adult education programs, services, and activities, in accordance with the Adult Education and Family Literacy Act of 1998 (Title II of the Workforce Investment Act of 1998, Public Law 105-659).

5 CSR 60-100.010 Missouri State Plan for Adult Education. The board is amending the Purpose, text of the rule and incorporation material by reference.

PURPOSE: This amendment, of incorporated by reference material, is needed to bring the program plan in compliance with federal statutes.

FILED

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Missouri Public Service Commission

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COMMISSION COUNSEL
PUBLIC SERVICE COMMISSION