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FILED

SEP 27 1999

September 24, 1999

Dale Hardy Roberts, Secretary
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102

Missouri Public
Service Commission

Dear Mr. Roberts:

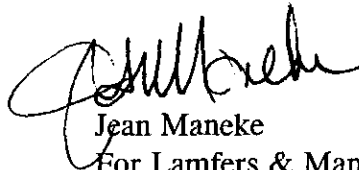
OX-2000-12

RE: Proposed Amendments to 4 CSR 240-2.020 and 2.030

Enclosed please find for consideration the comments of the Missouri Press Association to the above-referenced Proposed Amendments involving the Missouri Public Service Commission.

Thank you for your attention to this matter.

Very truly yours,



Jean Maneke
For Lamfers & Maneke, L.C.

JM/kg

Enclosures

cc: Doug Crews, executive Director
Missouri Press Association

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BEFORE THE MISSOURI PUBLIC SERVICE COMMISSION

In Re: the Proposed Amendment to:)
4 CSR 240-2.020)
Title 4 - Department of Economic Development) Case No. OX-2000-12
Division 240 - Public Service Commission)
Chapter 2 - Practice and Procedure)

FILED
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Missouri Public
Service Commission

COMMENTS BY THE MISSOURI PRESS ASSOCIATION TO THE
ABOVE-CITED MATTER

COMES NOW the Missouri Press Association, by and through counsel, and offers the following comments to the proposed revision to 4 CSR 240-2.020:

Subsection 3 of the proposed amendment

Subsection 3 of the proposed amendment provides that "The Commission may change the principal office of the commission...." This proposed change would seem to directly conflict with Section 386.120, R.S.Mo., subsection 1, which states that "The principal office of the commission shall be at the state capital at the city of Jefferson City."

"Rules are void if they are beyond the scope of the legislative authority conferred upon the state agency or if they attempt to extend or modify statutes," the court said in Pulitzer Publishing v. Missouri State Employees Retirement System, 927 S.W.2d 477 (Mo. App. 1996), citing Missouri Hosp. Ass'n v. Missouri Dep't of Consumer Affairs, Regulation & Licensing, 731 S.W.2d 262, 264 (Mo. App. 1987).

Therefore, clearly this proposed rule is void under existing case law, inasmuch as it attempts to modify a statute.

Further, this proposed rule would open the door to the commission possibly moving its principal office away from Jefferson City. Inasmuch as the hub of state government has traditionally been in Jefferson City and the public, and many reporters who cover state

government, comes to Jefferson City to access this information from state agencies, a significant inconvenience would arise for the public and those reporters if the agency should move its principal office from Jefferson City, leading to such access being more inconvenient and to the potential reduction in availability of such information.

WHEREFORE, the Missouri Press Association respectfully offers its opposition to this proposed amendment.

Respectfully submitted,



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FOR THE MISSOURI PRESS ASSOCIATION