

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY  
September 27, 2001

CASE NO: AX-2002-159

Office of the Public Counsel  
P.O. Box 7800  
Jefferson City, MO 65102

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

Enclosed find certified copy of an ORDER in the above-numbered case(s).

Sincerely,



Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

At a session of the Public Service  
Commission held at its office in  
Jefferson City on the 27th day  
of September, 2001.

In the Matter of Proposed Rulemaking, 4 CSR ) Case No. AX-2002-159  
240-2.117, Summary Determination. )

**ORDER FINDING NECESSITY FOR RULEMAKING**

The Commission on its own motion has determined that a rule, 4 CSR 240-2.117, Summary Determination, is necessary in order to provide for the summary resolution of contested cases where appropriate. The proposed rule provides for summary determination in a manner similar to summary judgment and also provides for determination on the pleadings, similar to judgment on the pleadings. This rule will make litigation before the Commission more efficient and less costly for each entity and each person involved.

The Commission has authority to make procedural rules under Sections 386.040 and 386.410, RSMo. Section 536.016, RSMo, requires a state agency to find that a proposed rule is necessary to carry out the purposes of the statute that granted the rulemaking authority based on substantial evidence on the record. Based on the record, the Commission finds that the proposed rule, 4 CSR 240-2.117, Summary Determination, is necessary to carry out the purposes of Sections 386.040 and 386.410, RSMo.

**IT IS THEREFORE ORDERED:**

1. That the Commission will proceed to promulgate rule 4 CSR 240-2.117, Summary Determination, by following the applicable procedures of administrative rulemaking with the Missouri Secretary of State's Office.
2. That this order shall become effective on October 7, 2001.

**BY THE COMMISSION**



**Dale Hardy Roberts  
Secretary/Chief Regulatory Law Judge**

(SEAL)

Murray, Lumpe, and Gaw, CC., concur.  
Simmons, Ch., absent.

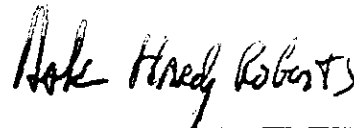
Thompson, Deputy Chief Regulatory Law Judge

**STATE OF MISSOURI**

**OFFICE OF THE PUBLIC SERVICE COMMISSION**

I have compared the preceding copy with the original on file in this office and  
I do hereby certify the same to be a true copy therefrom and the whole thereof.

WITNESS my hand and seal of the Public Service Commission, at Jefferson City,  
Missouri, this 27<sup>th</sup> day of Sept. 2001.



---

**Dale Hardy Roberts**  
**Secretary/Chief Regulatory Law Judge**

