

MATT BLUNT

Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

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OCT 14 2003

SECRETARY OF STATE
ADMINISTRATIVE RULES

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A "SEPARATE" rule transmittal sheet **MUST** be used for EACH individual rulemaking.

A Rule Number 4 CSR 240-18.010
Diskette File Name Rule 240-18.010.doc
Name of person to call with questions about this rule:
Content Warren Wood Phone 573-751-2978 FAX 573-526-0142
Data entry Susan Sundermeyer Phone 573-751-4335 FAX 573-526-9285
Email address warrenwood@psc.state.mo.us
Interagency mailing address Governor Office Building, 200 Madison St., 7th Floor, Jefferson City, MO
Statutory Authority 386.250 and 394.160 Current RSMo date 2000
Date filed with the Joint Committee on Administrative Rules Exempt per Sections 536.024 and
536.037, RSMo 2000, and Executive Order No. 97-97 (June 27, 1997)

B. CHECK, IF INCLUDED:

- | | |
|--|--|
| <input checked="" type="checkbox"/> This transmittal completed | <input checked="" type="checkbox"/> Incorporation by reference materials, if any |
| <input checked="" type="checkbox"/> Cover letter | <input type="checkbox"/> Authority with history of the rule |
| <input checked="" type="checkbox"/> Affidavit | <input type="checkbox"/> Public cost |
| <input type="checkbox"/> Forms, number of pages _____ | <input type="checkbox"/> Private cost |
| <input type="checkbox"/> Fiscal notes | <input type="checkbox"/> Hearing and comment period |

C. RULEMAKING ACTION TO BE TAKEN

- ☐ Emergency rulemaking, (check one) ☐ rule ☐ amendment ☐ rescission ☐ termination
MUST include effective date _____
- ☒ Proposed Rulemaking (check one) ☐ rule ☒ amendment ☐ rescission
☐ Order of Rulemaking (check one) ☐ rule ☐ amendment ☐ rescission ☐ termination
MUST complete page 2 of this transmittal
- ☐ Withdrawal (check one) ☐ rule ☐ amendment ☐ rescission ☐ emergency
☐ Rule action notice
☐ In addition
☐ Rule under consideration

D. SPECIFIC INSTRUCTIONS: Please indicate any special instructions (e.g., publication date preference, identify material to be incorporated by reference, or forms included herein).

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E. ORDER OF RULEMAKING: Rule Number

1a. Effective Date for the Order

☐ Statutory 30 days
Specific date _____

1b. Does the Order of Rulemaking contain changes to the rule text?

☐ YES ☐ NO

1c. If the answer is YES, please complete section F. If the answer is NO, STOP here.

F. Please provide a complete list of the changes in the rule text for the order of rulemaking, indicating the specific section, subsection, paragraph, subparagraph, part, etc., where each change is found. It is especially important to identify the parts of the rule that are being deleted in this order of rulemaking. This is not a reprinting of your order, but an explanation of what sections, subsections, etc. have been changed since the original proposed rule was filed.

(Start text here. If text continues to a third page, insert a continuous section break and, in section 3, delete the footer text. DO NOT delete the header, however.)

NOTE: ALL changes MUST be specified here in order for those changes to be made in the rule as published in the *Missouri Register* and the *Code of State Regulations*.

Add additional sheet(s), if more space is needed.



Commissioners
KELVIN L. SIMMONS
Chair
CONNIE MURRAY
STEVE GAW
BRYAN FORBIS
ROBERT M. CLAYTON III

Missouri Public Service Commission

POST OFFICE BOX 360
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573-751-3234
573-751-1847 (Fax Number)
<http://www.psc.mo.gov>

ROBERT J. QUINN, JR.
Executive Director
WESS A. HENDERSON
Director, Utility Operations
ROBERT SCHALLENBERG
Director, Utility Services
DONNA M. PRENGER
Director, Administration
DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge
DANA K. JOYCE
General Counsel

October 14, 2003

Matt Blunt
Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, MO 65101

Dear Secretary Blunt:

RE: 4 CSR 240-18.010 – Safety Standards for Electric Utilities, Telecommunications Companies and Rural Electric Cooperatives

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed amendment lawfully submitted by the Missouri Public Service Commission on this 10th day of October 2003.

The Missouri Public Service Commission has determined and hereby certifies that this proposed amendment will not have an economic impact on small business. The Missouri Public Service Commission also certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section 536.017, RSMo 2000 and that this proposed amendment does not constitute a taking of real property under relevant state and federal law.

Statutory Authority: Sections 386.310 and 394.360, RSMo 2000.

If there are any questions regarding the content of the rule, please contact: **Dennis L. Frey**, 200 Madison Street, Suite 800, P.O. Box 360, Jefferson City, MO 65101, (573) 751-8700, dennyfrey@psc.state.mo.us.

Sincerely,


Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

DHR:DF/sls

AFFIDAVIT

STATE OF MISSOURI)
)
COUNTY OF COLE)

I, Joseph L. Driskill, Director of the Department of Economic Development, first being duly sworn on my oath state that it is my opinion that the cost of the **Proposed Amended Rule -- 4 CSR 240-18.010 – Safety Standards for Electric Utilities, Telecommunications Companies and Rural Electric Cooperatives**, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.



Joseph L. Driskill
DIRECTOR
Department of Economic Development

Subscribed and sworn to before me this 12th day of September, 2003.
I am commissioned as a notary public within the County of
Cole, State of Missouri, and my commission expires on
April 29, 2006.


NOTARY PUBLIC

KIMBERLEY BRANDT SPRENGER
NOTARY PUBLIC STATE OF MISSOURI
COLE COUNTY
MY COMMISSION EXPIRES APR. 29, 2006

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Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240 – Public Service Commission
Chapter 18 – Safety Standards

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OCT 14 2003

PROPOSED AMENDMENT

SECRETARY OF STATE
ADMINISTRATIVE RULES

4 CSR 240-18.010 Safety Standards [-]for Electric *Utilities*, [and Telephone Utilities] *Telecommunications Companies* and Rural Electric Cooperatives. The commission is proposing to amend the title of the rule, the purpose section of the rule and all existing sections of the rule, and to add a new section to the end of the rule.

PURPOSE: The changes proposed in this amendment update the safety standards and change the reference to telephone utilities to telecommunications companies to be consistent with other commission rules.

PURPOSE: This rule prescribes minimum safety standards relating to the operation of electric utilities, [and telephone utilities] telecommunications companies and rural electric cooperatives. Adoption of this rule will not only inform the regulated utilities, to which it applies, of the minimum safety standards required by the commission but will also be of assistance to the commission staff in carrying out its assigned duties.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) The commission adopts as its rule and incorporates by reference, Parts 1, 2 and 3 and Sections 1, 2 and 9 of the *American National Standard, National Electrical Safety Code (NESC)*; [1997]2002 Edition as approved by the American National Standards Institute on June [6, 1996]14, 2001. The NESC is published by the Institute of Electrical and Electronics Engineers, Inc., as the minimum safety standards relating to the operation of electric **utilities** and [*telephone utilities*] **telecommunications companies** and rural electric cooperatives. The NESC is composed of four (4) different parts and four (4) sections, each of which pertain to different aspects of the electric and telecommunications industries. Part 1 specifies rules for the installation and maintenance of equipment normally found in electric generating plants and substations. Part 2 pertains to safety rules for overhead electric and communication lines. Part 3 contains safety rules for underground electric and communication lines. Section 1 is an introduction to the NESC, Section 2 defines special terms and Section 9 requires certain grounding methods for electric and communications facilities.

(2) All electric **utilities** and [*telephone utilities*] **telecommunications companies** and rural electric cooperatives subject to regulation by this commission pursuant to Chapters

386, 392-394, RSMo shall be required to adhere to the safety standards established by this rule.

(3) Incident reporting requirements for electric utilities and rural electric cooperatives are found in 4 CSR 240-3.190(4).

AUTHORITY: sections 386.310 RSMo [Supp. 1998] 2000 and 394.160, RSMo [1994] 2000. Original rule filed March 15, 1978, effective Oct. 2, 1978. Amended: Filed April 8, 1981, effective Oct. 15, 1981. Amended: Filed Feb. 9, 1984, effective June 15, 1984. Amended: Filed June 12, 1987, effective Sept. 15, 1987. Amended: Filed Jan. 5, 1990, effective April 13, 1990. Amended: Filed March 23, 1993, effective Oct. 10, 1993. Amended: Filed Aug. 27, 1999, effective Feb. 29, 2000.*

**Original authority: 386.310, RSMo 1939, amended 1979, 1989, 1996 and 394.160, RSMo 1939, amended 1979.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS AND NOTICE OF PUBLIC HEARING: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Dale Hardy Roberts, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the Commission's offices on or before December 17, 2003, and should include a reference to Commission Case No. EX-2003-0368. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the Commission's electronic filing and information system at <<http://www.psc.state.mo.us/efis.asp>>. A public hearing regarding this proposed amendment is scheduled for December 30, 2003, at 1:00 p.m. in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions. Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.