

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

In the Matter of Proposed PSC )	
Rulemaking 4 CSR 240-33.045 Requiring )	
Clear Identification and Placement of )	Case No. TX-2005-0258
Separately Identified Charges on )	
Customers Bills )	

**FISCAL NOTE REVIEW MEMORANDUM**

COMES NOW the Staff of the Missouri Public Service Commission (“Staff”) and states:

1. In the Memorandum attached as Appendix A, the Staff advises the Commission that the Staff conducted a review of the fiscal estimates from the rule adopted in this case and has determined that no fiscal estimate changes need to be filed with the Secretary of State.

2. The Commission’s Order of Rulemaking adopting 4 CSR 240-33.045, Requiring Clear Identification and Placement of Separately Identified Charges on Customer Bills, was published in the *Missouri Register*, on September 15, 2005. This rule became effective on October 30, 2005, 30 days after its publication in the *Code of State Regulations*.

3. Section 536.200.2 RSMo (2000) requires agencies to make a filing with the Secretary of State if, after the first full fiscal year after implementation, the cost of the rule exceeds the agency estimate. The first full fiscal year after the rules became effective was the fiscal year beginning July 1, 2006 and ending June 30, 2007.

WHEREFORE, the Staff respectfully submits the attached Memorandum wherein the Staff states its conclusion that no fiscal estimate changes need to be filed with the Secretary of State.

Respectfully submitted,

**/s/ William K. Haas**

William K. Haas

Deputy Counsel

Missouri Bar No. 28701

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Missouri Public Service Commission

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### **Certificate of Service**

I hereby certify that copies of the foregoing have been mailed, hand-delivered, transmitted by facsimile or electronically mailed to all counsel of record this 24<sup>th</sup> day of July 2007.

**/s/ William K. Haas**

## MEMORANDUM

To: Missouri Public Service Commission Official Case File  
Case No. TX-2005-0258

From: Natelle Dietrich  
Telecommunications Department

John Van Eschen / July 23, 2007  
Utility Operations Division/Date

/s/William K. Haas / July 23, 2007  
General Counsel's Office/Date

Subject: Line Item Rulemaking Fiscal Analysis Review

Date: July 20, 2007

The Secretary of State (SOS) published the Commission's Final Order of Rulemaking which proposed a new Commission rule, 4 CSR 240-33.045, and was the subject of Case No. TX-2005-0258. The rule clarified items that must appear as separate line items on the bill, provided guidance for labeling such items and required clear customer disclosure. The rule became effective October 30, 2005.

Section 536.200.2 RSMo 2000 requires agencies to make a filing with the SOS if, after the first full fiscal year after implementation, the cost of the rule has exceeded by ten percent or more the estimated cost in the fiscal note or has exceeded five hundred dollars if the proposed cost was estimated to be less than five hundred dollars. The Commission's General Procedure 1 (GP-1) requires a Staff investigation of the fiscal impact to begin thirty days prior to end of first full fiscal year. According to the GP, Staff is to prepare a memorandum within thirty days after the end of the first full fiscal year if costs are less than 10% or \$500, where appropriate. If costs are more than 10% or \$500, the General Counsel prepares a filing for action by the Regulatory Law Judge.

Prior to adopting the rulemaking, the Commission made significant modifications to the proposed rule language to mitigate significant fiscal estimates. This memorandum advises the Commission that Staff has not discovered any information that would show the cost estimates associated with the rule were not accurate. Additionally, Staff has contacted the industry for input on the fiscal review. Staff has not received any information from any party potentially or actually affected by the implementation of this rule that would indicate the public or private cost estimates as published in the Missouri Register were not accurate.

Since the Staff's investigation indicates the published cost estimates related to the implementation of 4 CSR 240-33.045 have not been exceeded, no Missouri Register publication is required under Section 536.200.2.

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

In the Matter of a New Proposed Rule  
4 CSR 240-33.045

Case No. TX-2005-0258

**AFFIDAVIT OF Natelle Dietrich**

STATE OF MISSOURI           )  
  ) ss:  
COUNTY OF COLE            )

Natelle Dietrich, employee of the Missouri Public Service Commission, being of lawful age and after being duly sworn, states that she prepared the accompanying Memorandum, and that the facts therein are true and correct to the best of her knowledge and belief.

Natelle Dietrich  
Natelle Dietrich

Subscribed and affirmed before me this 23rd day of July, 2007  
I am commissioned as a notary public within the County of Cole,  
State of Missouri and my commission expires on 10-23-2010

Sharon S. Wiles  
NOTARY PUBLIC

