

FILED  
March 4, 2010  
Data Center  
Missouri Public  
Service Commission



**Robin Carnahan**  
Secretary of State

**Administrative Rules Division  
Rulemaking Transmittal Receipt**

Rule ID: 12602  
Date Printed: 3/2/2011  
Rule Number: 4 CSR 240-2.030  
Rulemaking Type: Proposed Amendment  
Date Submitted to Administrative Rules Division: 3/2/2011  
Date Submitted to Joint Committee on Administrative Rules: 3/2/2011

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Name of Person to Contact with questions concerning this rule:

Content: Nancy Dippell

Phone: 1-4393

Email: nancy.dippell@psc.mo.gov

Fax:

RuleDataEntry:

Phone:

Email:

Fax:

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Included with Rulemaking:

Cover Letter

3/02/2011

Affidavit for public cost

3/02/2011

**Robin Carnahan**

Secretary of State  
Administrative Rules Division

**RULE TRANSMITTAL**

Administrative Rules Stamp

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MAR 02 2011

SECRETARY OF STATE  
ADMINISTRATIVE RULES

**COPY**

Rule Number 4 CSR 240-2.030

Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.

Name of person to call with questions about this rule:

Content Nancy Dippell Phone 573-751-4393 FAX

Email address Nancy.dippell@psc.mo.gov

Data Entry same Phone  FAX

Email address

Interagency mailing address Public Service Commission, 9<sup>th</sup> Fl, Gov.Ofc Bldg, JC, MO

**TYPE OF RULEMAKING ACTION TO BE TAKEN**

☐ Emergency rulemaking, include effective date

☒ Proposed Rulemaking

☐ Withdrawal ☐ Rule Action Notice ☐ In Addition ☐ Rule Under Consideration

☐ Order of Rulemaking

Effective Date for the Order

☐ Statutory 30 days OR Specific date

Does the Order of Rulemaking contain changes to the rule text? ☐ NO

☒ YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

Amending sections (1) and (2), adding (3), (4), (5).

Small Business Regulatory  
Fairness Board (DED) Stamp

SMALL BUSINESS  
REGULATORY FAIRNESS BOARD

MAR 02 2011

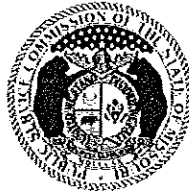
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JCAR Stamp

JOINT COMMITTEE ON

MAR 02 2011

ADMINISTRATIVE RULES



Commissioners

KEVIN GUNN  
Chairman

ROBERT M. CLAYTON III

JEFF DAVIS

TERRY M. JARRETT

ROBERT S. KENNEY

## *Missouri Public Service Commission*

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WESS A. HENDERSON  
Executive Director

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ROBERT SCHALLENBERG  
Director, Utility Services

NATELLE DIETRICH  
Director, Utility Operations

STEVEN C. REED  
Secretary/General Counsel

KEVIN A. THOMPSON  
Chief Staff Counsel

March 2, 2011

Robin Carnahan  
Secretary of State  
Administrative Rules Division  
600 West Main Street  
Jefferson City, Missouri 65101

Re: 4 CSR 240-2.030 Records of the Commission

Dear Secretary Carnahan,

### CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rulemaking lawfully submitted by the Missouri Public Service Commission.

The Public Service Commission has determined and hereby certifies that this proposed rulemaking will have an economic impact on small businesses of approximately \$100 per year for the life of the rule. The Public Service Commission further certifies that it has conducted an analysis of whether there has been a taking of real property pursuant to section 536.017, RSMo 2000, that the proposed rulemaking does not constitute a taking of real property under relevant state and federal law, and that the proposed rulemaking conforms to the requirements of 1.310, RSMo, regarding user fees.

The Public Service Commission has determined and hereby also certifies that this proposed rulemaking complies with the small business requirements of 1.310, RSMo, in that it does not have an adverse impact on small businesses consisting of fewer than twenty-five full or part-time employees or it is necessary to protect the life, health, or safety of the public, or that this rulemaking complies with 1.310, RSMo, by exempting any small business consisting of fewer than twenty-five full or part-time employees from its coverage, by implementing a federal mandate, or by implementing a federal program administered by the state or an act of the general assembly.

Statutory Authority: sections 386.300 and 386.410, RSMo 2000

If there are any questions regarding the content of this proposed rulemaking, please contact me at the address and number below.


Sincerely,

A handwritten signature in black ink that reads "Nancy Dippell". The signature is fluid and cursive, with the first name "Nancy" being larger and more prominent than the last name "Dippell".

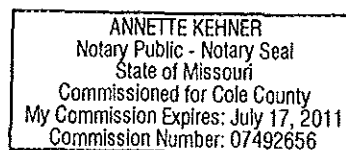
Nancy Dippell, Deputy Chief Regulatory Law Judge  
Missouri Public Service Commission  
200 Madison Street  
P.O. Box 360  
Jefferson City, MO 65102  
(573) 751-4393  
Nancy.dippell@psc.mo.gov

Enclosure

STATE OF MISSOURI )  
 )  
COUNTY OF COLE )

  
David Kerr  
Director  
Department of Economic Development

Janette Kehner  
Notary Public



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

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MAR 02 2011

PROPOSED AMENDMENT

SECRETARY OF STATE  
ADMINISTRATIVE RULES

**4 CSR 240-2.030 Records of the Commission** The commission is amending sections (1) and (2), adding a new section (3), (4), and (5).

*PURPOSE: Section (1) is amended for consistency and section (2) is amended and Sections (3), (4), and (5) are added to make fees for copies of public records comply with Section 610.026, RSMo.*

(1) The secretary of the commission shall keep a full and true record of all the proceedings of the commission, of all books, maps, documents and papers ordered filed by the commission, of all orders made by each of the commissioners, and of all orders made by the commission or approved and confirmed by it and ordered filed. In addition, the secretary of the commission shall maintain a docket of all cases filed and cases set for hearing and shall assign each matter an appropriate case number. These records shall be available for public inspection in the office of the secretary of the commission, during *[reasonable]* **regular** business hours, Monday through Friday, except for legal holidays. The specific hours the records are available shall be posted at the principal office of the commission.

(2) Copies of **public records***[, official documents, pleadings, transcripts, briefs, and orders filed with the commission]* may be requested from the secretary of the commission. Any such request shall be made in writing. *[Copies of records, official documents, pleadings, transcripts, briefs, and orders furnished to public officers for use in their official capacity may be provided without charge. Copies shall be provided to all others as follows:*

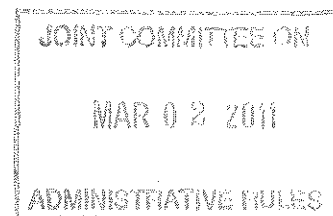
*(A) Records, official documents, pleadings, briefs, and orders, thirty-five cents (35¢) per page;*

*(B) Certificate under seal, one dollar (\$1);*

*(C) Transmittal by facsimile device, fifty cents (50¢) per page;*

*(D) Copies of official transcripts, fifty cents (50¢) per page. A diskette shall be provided upon request with a request for a printed copy of the transcript.]*

(3) The fees for copying public records shall not exceed ten cents (\$.10) per page for a paper copy not larger than nine (9) by fourteen (14) inches, with the hourly fee for duplicating time not to exceed the average hourly rate of pay for the clerical staff of the commission fulfilling the request and the actual cost of research time. The commission shall utilize employees to make copies and conduct the research so that the lowest amount of charges are incurred based on the scope of the request.



(4) Fees for providing access to public records maintained on computer facilities, recording tapes or disks, videotapes or films, pictures, maps, slides, graphics, illustrations or similar audio or visual items or devices, and for paper copies larger than nine (9) by fourteen (14) inches shall include only the cost of copies, staff time, which shall not exceed the average hourly rate of pay for staff of the public governmental body required for making copies and programming, if necessary, and the cost of the disk, tape, or other medium used for the duplication. Fees for maps, blueprints, or plats that require special expertise to duplicate may include the actual rate of compensation for the trained personnel required to duplicate such maps, blueprints, or plats. If programming is required beyond the customary and usual level to comply with a request from records or information, the fees for compliance may include the actual costs of such programming.

(5) Copies may be provided without charge or at a reduced charge to public officers for use in their official capacity, or in any other situation where the Public Service Commission determines that waiver or reduction of the fee is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Public Service Commission and is not primarily in the commercial interest of the requester.

*AUTHORITY: sections 386.300 and 386.410, RSMo 2000.\* Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed Nov. 7, 1984, effective June 15, 1985. Rescinded and readopted: Filed March 10, 1995, effective Nov. 30, 1995. Amended: Filed July 26, 1999, effective Jan. 30, 2000. Amended: Filed \_\_\_\_\_.*

*\*Original authority: 386.300, RSMo 1939, amended 1947, 1984, 1995 and 386.410, RSMo 1939, amended 1947, 1977, 1996.*

*PUBLIC ENTITY COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.*

*PRIVATE ENTITY COST: This proposed amendment is estimated to cost private entities \$150 in the aggregate per year for each year the rule is effective.*

*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, Steven C. Reed, Secretary of the Commission, P.O. Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the Commission's offices no later than May 16, 2011, and should include a reference to Commission Case No. AX-2011-0094. Comments may also be submitted via a filing using the Commission's electronic filing and information system at <http://www.psc.mo.gov/case-filing-information>. A public hearing regarding this proposed amendment is scheduled for May 19, 2011, at 10:00 a.m., in Room 310 of the commission's offices in 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 (voice) or Relay Missouri at 711.*



## **Small Business Regulatory Fairness Board Small Business Impact Statement**

**Date:** 1-27-11

**Rule Number:** 4 CSR 240-2.030 Records of the Commission

**Name of Agency Preparing Statement:** Public Service Commission

**Name of Person Preparing Statement:** Nancy Dippell

**Phone Number:** 573-751-4393      **Email:** nancy.dippell@psc.mo.gov

**Name of Person Approving Statement:** Morris Woodruff, Chief Regulatory Law Judge, Public Service Commission

**Please describe the methods your agency considered or used to reduce the impact on small businesses:** This rule is being amended to bring it into compliance with Section 610.026, RSMo. Because the statute mandates the charges, nothing could be done to reduce impact on small businesses. The Commission held a roundtable discussion on November 30, 2010, and invited the public to comment informally on the draft of the proposed rules. The Commission subsequently incorporated some changes from that roundtable into the rules for clarity and ease of use.

**Please explain how your agency has involved small businesses in the development of the proposed rule.**

This rule is being amended to bring it into compliance with Section 610.026, RSMo. The Commission held a roundtable discussion on November 30, 2010, and invited the public to comment informally on the draft of the proposed rules. The Commission subsequently incorporated some changes from that roundtable into the rules for clarity and ease of use.

**Please list the probable monetary costs and benefits to your agency and any other agencies affected. Please include the estimated total amount your agency expects to collect from additionally imposed fees and how the moneys will be used.**

The Public Service Commission does not receive any benefit or detriment from the change in the rule. It is assumed that the cost of the PSC providing records to the public will equal the cost the PSC is reimbursed for those copies. The PSC expects providing copies to cost approximately \$150 per year which will be paid by the persons requesting the copies.

**Please describe small businesses that will be required to comply with the proposed rule and how they may be adversely affected.**

No small businesses are "required" to comply with the rule, as the rule is only implemented if there is a request for records. However, if a small business requests records they will be charged the relevant copying fees.

**Please list direct and indirect costs (in dollars amounts) associated with compliance.**

The Commission estimates the rule will cost a total of \$150 per year to persons requesting records from the Commission. Of that, \$100 will be charged to individuals or small businesses (mostly small law firms) and associations.

**Please list types of business that will be directly affected by, bear the cost of, or directly benefit from the proposed rule.**

All utilities, large and small, and all ratepayers, residential or commercial, will benefit from the rule being in compliance with the statute. Of the \$150 per year, \$50 is estimated to be charged to large law firms and \$100 is estimated to be charged to individuals, small law firms, or associations.

**Does the proposed rule include provisions that are more stringent than those mandated by comparable or related federal, state, or county standards?**

Yes\_\_\_ No\_X\_\_

**If yes, please explain the reason for imposing a more stringent standard.**

*For further guidance in the completion of this statement, please see §536.300, RSMo.*

**FISCAL NOTE  
PRIVATE COST**

- I. Department Title: Title 4 -- Department of Economic Development  
Division Title: Division 240 -- Public Service Commission  
Chapter Title: Chapter 2 -- Practice and Procedure**

<b>Rule Number and Title:</b>	4 CSR 240-2.030 Records of the Commission
<b>Type of Rulemaking:</b>	Amendment

**II. SUMMARY OF FISCAL IMPACT**

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
11	Individuals, Small Law Firms or Associations	<b>\$100 per year</b>
2	Large Law Firms	<b>\$50 per year</b>

**III. WORKSHEET**

**\$100 + \$50 = \$150 per year each year for the life of the rule**

**IV. ASSUMPTIONS**

- The Commission assumes that it will have the same number of records requests by the same types of entities or individuals for each year for the life of the rule as it had in FY2010.
- The Commission assumes that the rule will exist indefinitely and at a minimum five years.
- In FY 2010 the Commission charged the same amounts as under Section 610.026, RSMo, which it will also charge for the life of the rule.
- In FY 2010 the Commission charged approximately \$50 to large law firms (100 or more employees) for records requests.
- In FY 2010 the Commission charged approximately \$100 to individuals and small law firms or associations (less than 100 employees).