

Robin Carnahan

Secretary of State
Administrative Rules Division

RULE TRANSMITTAL

Administrative Rules Stamp

Rule Number 4 CSR 240-2.125

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

FILED
July 7, 2011
Data Center
Missouri Public
Service Commission

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, 9th 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:

Small Business Regulatory
Fairness Board (DED) Stamp

JCAR Stamp

JOINT COMMITTEE ON
JUL 06 2011
ADMINISTRATIVE RULES



Commissioners

KEVIN GUNN
Chairman

ROBERT M. CLAYTON III

JEFF DAVIS

TERRY M. JARRETT

ROBERT S. KENNEY

Missouri Public Service Commission

POST OFFICE BOX 360
JEFFERSON CITY MISSOURI 65102
573-751-3234
573-751-1847 (Fax Number)
<http://www.psc.mo.gov>

WESS A. HENDERSON
Executive Director

VACANT
Director, Administration and
Regulatory Policy

ROBERT SCHALLENBERG
Director, Utility Services

NATELLE DIETRICH
Director, Utility Operations

STEVEN C. REED
Secretary/General Counsel

KEVIN A. THOMPSON
Chief Staff Counsel

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

Dear Secretary Carnahan,

Re: 4 CSR 240-2.125 Procedures for Alternative Dispute Resolution

CERTIFICATION OF ADMINISTRATIVE RULE

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

Statutory Authority: section 386.410, RSMo 2000

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

Sincerely,

A handwritten signature in cursive script that reads "Nancy 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

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

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Service Commission under section 386.410, RSMo 2000, the commission amends a rule as follows:

4 CSR 240-2.125 is amended.

A notice of proposed rulemaking containing the text of the proposed amendments was published in the *Missouri Register* on April 15, 2011 (36 MoReg 1058). No changes have been made to the proposed amendment, so it is not reprinted here. These proposed amendments become effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on the proposed amendments was held May 19, 2011, and the public comment period ended May 16, 2011. One (1) written comment was received.

COMMENT: Lewis Mills, on behalf of the Office of the Public Counsel, commented that the rule should maintain the purpose of the mediation or at least “make it clear that mediation is a non-binding attempt to resolve the case.”

RESPONSE: The language stating a specific purpose of the mediation was removed so as not to limit the scope of the mediation. In order to have a successful mediation, the mediator may need to have a broader purpose than that set out in the rule. In addition, the purpose of the mediation may be different than simply resolving the case (for example, agreeing to certain facts to resolve only one issue of a case) and may end up in a binding agreement. Thus, the definition suggested by public counsel is not completely accurate. Further, the mediation process is not necessarily standardized so that it can be defined by rule. The commission attempts to educate the parties to a case about the mediation process before and during that process. The commission determines that it is not necessary to further clarify this rule. No changes were made as a result of this comment.

