



Filed
August 08, 2011
Data Center
Missouri Public
Service Commission

Robin Carnahan
Secretary of State

**Administrative Rules Division
Rulemaking Transmittal Receipt**

Rule ID: 13070
Date Printed: 8/8/2011
Rule Number: 4 CSR 240-2.130
Rulemaking Type: Final Order Amendment
Date Submitted to Administrative Rules Division: 8/8/2011
Date Submitted to Joint Committee on Administrative Rules: 7/6/2011

Name of Person to Contact with questions concerning this rule:

Content: Morris Woodruff

Phone: 1-2849

Email: morris.woodruff@psc.mo.gov

Fax:

RuleDataEntry:

Phone:

Email:

Fax:

Included with Rulemaking:

Cover Letter

8/08/2011

Robin Carnahan

Secretary of State
Administrative Rules Division

RULE TRANSMITTAL

Administrative Rules Stamp

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SECRETARY OF STATE
ADMINISTRATIVE RULES

Rule Number 4 CSR 240-2.130

COPY

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, 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:

Changes were made to section (8).

Small Business Regulatory
Fairness Board (DED) Stamp

JCAR Stamp

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ADMINISTRATIVE RULES



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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 240-2.130 Evidence

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

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ORDER OF RULEMAKING

SECRETARY OF STATE
ADMINISTRATIVE RULES

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 240-2.130 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 1059). Those sections with changes are 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. Two (2) written comments were received and one (1) person testified at the hearing.

COMMENT #1: Rick Zucker, on behalf of Laclede Gas Company, and Wendy Tatro, on behalf of Union Electric Company, d/b/a Ameren Missouri, jointly filed written comments, and Bryan McCartney, on behalf of Ameren Missouri, testified at the hearing. The companies recommend adding “and with complete and comprehensive detail” to section (8).

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with the companies and will make the suggested change.

COMMENT #2: Lewis Mills, on behalf of the Office of the Public Counsel, filed written comments suggesting that the reference in section (8) to “filing requirements” be made more specific. Mr. Mills also suggested that the requirement in section (8) to file a report electronically may be difficult for *pro se* parties and may be difficult for some items which are not easily produced electronically.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with Mr. Mills’ suggestions and will make changes to section (8) to specify the filing requirements and allow reports to be filed in paper form.

4 CSR 240-2.130 Evidence

(8) Except as set out in this section, the prepared testimony of each witness shall be filed separately and shall be accompanied by an affidavit providing the witness’s oath. In lieu of prepared direct testimony, any party may file a report that presents in narrative form, and with complete and comprehensive detail, the analysis and conclusions of one (1) or more expert witness(es) and the facts and information on which they relied. In any report, the contributing

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expert witnesses shall be listed together with an indication of the portion or portions of the report to which each contributed. The qualifications of each contributing expert witness shall be attached to the report as a schedule. Any such report shall comply with the commission's requirements in sections (6) and (7).