

Robin Carnahan

Secretary of State
Administrative Rules Division

RULE TRANSMITTAL

Administrative Rules Stamp

Rule Number 4 CSR 240-3.440

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

Name of person to call with questions about this rule:

Content Morris Woodruff Phone 573-751-2849 FAX 573-526-6010

Email address morris.woodruff@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
JUN 11 2009
ADMINISTRATIVE RULES



Commissioners

ROBERT M. CLAYTON III
Chairman

VACANT

JEFF DAVIS

TERRY M. JARRETT

KEVIN GUNN

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

DANA K. JOYCE
Director, Administration and
Regulatory Policy

ROBERT SCHALLENBERG
Director, Utility Services

NATELLE DIETRICH
Director, Utility Operations

VACANT
Secretary/Chief Regulatory Law Judge

KEVIN A. THOMPSON
General Counsel

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

Dear Secretary Carnahan:

Re: Rescission of 4 CSR 240-3.440

CERTIFICATION OF ADMINISTRATIVE RULE

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

Statutory Authority: Sections 386.250, RSMo 2000.

If there are any questions, please contact: Morris L. Woodruff, Deputy Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street
P.O. Box 360
Jefferson City, MO 65102
(573) 751-2849
morris.woodruff@psc.mo.gov

A handwritten signature in black ink that reads "Morris L. Woodruff". The signature is stylized with a large, flowing "M" and "W".

Morris L. Woodruff
Deputy Chief Regulatory Law Judge

**Title 4 – DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240 – Public Service Commission
Chapter 3—Filing and Reporting Requirements**

ORDER OF RULEMAKING

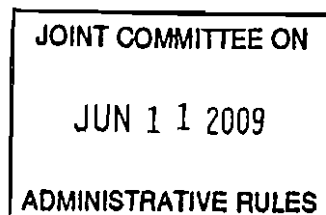
By the authority vested in the Public Service Commission under sections 386.250 and 393.140, RSMo 2000, and 393.291, RSMo Supp. 2008, the commission rescinds a rule as follows:

**4 CSR 240-3.440 Small Steam Heating Utility Rate Case Procedure is
rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 1, 2009 (34 MoReg 843). No changes have been made in the proposed rescission so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The public comment period ended June 2, 2009 and a public hearing on the proposed rescission was held June 2, 2009. No written comments were received. The staff of the Missouri Public Service Commission appeared at the hearing to express its continued support for the rescission of this rule. Staff explained that the rule is no longer needed because the rate case procedure for small steam heating utilities is now included in the general procedures established in 4 CSR 240-3.050. Therefore, the continued existence of this rule is a source of possible confusion and it should be rescinded. No other comments were offered.

RESPONSE: The Commission agrees with Staff and will rescind the rule.



MEMORANDUM

TO: Colleen M. Dale, Secretary

DATE: June 10, 2009

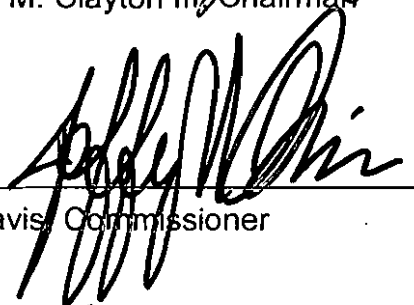
RE: Authorization to File Order of Rulemaking with the Office of Secretary of State

CASE NO: AX-2005-0363

The undersigned Commissioners hereby authorize the Secretary of the Missouri Public Service Commission to file the following Order of Rulemaking with the Office of the Secretary of State, to wit:

Proposed Rule 4 CSR 240-3.440 - Small Steam Heating Utility Rate Case Procedure


Robert M. Clayton III, Chairman


Jeff Davis, Commissioner


Terry M. Jarrett, Commissioner


Kevin D. Gunn, Commissioner
