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November 2, 2016

Mike Downing, Director
Department of Economic Development
301 W. High Street
P.O. Box 1157
Jefferson City, Missouri 65102

RE: 4 CSR 240-4.020 Ex Parte and Extra-Record Communications

Dear Mr. Downing:

The Public Service Commission proposes to rescind 4 CSR 240-4.020, Ex Parte and Extra-Record Communications. This rescission will rescind the existing rule and will be replaced with six new rules relating to ex parte and extra-record communications.

Adopting the proposed rescission does not implicate the takings clause of the U.S. Constitution, because the proposed rescission does not involve the taking of real property.

The Commission has performed the small business analysis required by Section 536.300, RSMo Supp. 2013, and includes the small business impact statement with this filing. Proposed Rescission to 4 CSR 240-4.020 does not impose any requirement that "will cause direct and significant economic burden upon a small business, or that is directly related to the formation, operation, or expansion of a small business." The Commission certifies that it has determined that the proposed rescission will not have an economic impact on small businesses.

Please find enclosed a copy of the Proposed Rescission, a Small Business Impact Statement, and, for your signature, a Public Entity Cost Affidavit. Please review and sign the

Mr. Mike Downing
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Affidavit at your earliest convenience so that the Commission may proceed with publishing the proposed rescission.

Please let me know if you have any questions concerning this proposed rescission.

Sincerely,

A handwritten signature in cursive script that reads "Michael Bushmann".

Michael Bushmann
Senior Regulatory Law Judge
(573) 751-4393 (telephone)
(573) 526-6010 (facsimile)
Michael.bushmann@psc.mo.gov (e-mail)

Enclosure

**Title 4 – Department of Economic Development
Division 240 – Public Service Commission
Chapter 4 – Standards of Conduct**

PROPOSED RESCISSION

4 CSR 240-4.020 Ex Parte and Extra-Record Communications This rule regulates communications between the commission, technical advisory staff, and presiding officers, and anticipated parties, agents of parties, and interested persons regarding substantive issues that are not part of the evidentiary record.

PURPOSE: This rule is being rescinded and replaced with six new rules relating to ex parte and extra-record communications.

AUTHORITY: section 386.410, RSMo 2000. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Amended: Filed April 26, 1976, effective Sept. 11, 1976. Rescinded and readopted: Filed Nov. 4, 2009, effective July 30, 2010.*

**Original authority: 386.410, RSMo 1939, amended 1947, 1977, 1996.*

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed rescission with the Missouri Public Service Commission, 200 Madison Street, PO Box 360, Jefferson City MO 65102-0360. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for [time, place and address of hearing].

**AFFIDAVIT
PUBLIC COST**

STATE OF MISSOURI)
)
COUNTY OF COLE)

I, Mike Downing, Director of the Department of Economic Development, first being duly sworn, on my oath, state that it is my opinion that the cost of proposed rescission, 4 CSR 240-4.020, is less than five hundred dollars in the aggregate to this agency, any other agency of state government or any political subdivision thereof.

Mike Downing
Director
Department of Economic Development

Subscribed and sworn to before me this _____ day of _____, 2016, I am commissioned as a notary public within the County of _____, State of Missouri, and my commission expires on _____.

Notary Public

Small Business Regulator Fairness Board Small Business Impact Statement

Date: 10/27/2016

Rule Number: 4 CSR 240-4.020

Name of Agency Preparing Statement: Public Service Commission

Name of Person Preparing Statement: Michael Bushmann, Reg. Law Judge

Phone Number: 751-4393

Email: Michael.Bushmann@psc.mo.gov

Name of Person Approving Statement: Morris Woodruff, Secretary

Please describe the methods your agency considered or used to reduce the impact on small businesses (*examples: consolidation, simplification, differing compliance, differing reporting requirements, less stringent deadlines, performance rather than design standards, exemption, or any other mitigating technique*).

Rules are being rescinded, which will reduce any impact on small businesses.

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

Involvement of small businesses or entities regulated by the Commission was not necessary for this rescission.

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.

None.

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

N/A

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

N/A

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

N/A – Proposed rescission of rule.

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.