

John R. Ashcroft

Secretary of State
Administrative Rules Division

RULE TRANSMITTAL

Administrative Rules Stamp

Rule Number 4 CSR 240-40.085

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

Name of person to call with questions about this rule:

Content Ron Pridgin Phone 573-751-7497 FAX 573-526-6010

Email address Ron.Pridgin@psc.mo.gov

Data Entry Christine Koenigsfeld Phone 573-751-4256 FAX 573-526-6010

Email address Christine.Koenigsfeld@psc.mo.gov

Interagency mailing address Public Service Commission, 9th Floor Gov. Office Bldg, JC, Mo

TYPE OF RULEMAKING ACTION TO BE TAKEN

☐ Emergency Rulemaking ☐ Rule ☐ Amendment ☐ Rescission ☐ Termination

Effective Date for the Emergency _____

☐ Proposed Rulemaking ☐ Rule ☐ Amendment ☐ Rescission

☐ Rule Action Notice ☐ In Addition ☐ Rule Under Consideration

☐ Request for Non-Substantive Change

☐ Statement of Actual Cost

☒ Order of Rulemaking ☐ Withdrawal ☒ Adopt ☐ Amendment ☐ Rescission

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:

Sections (1), (3), and (4)

Small Business Regulatory
Fairness Board (DED) Stamp

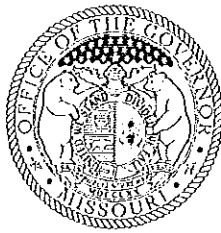
JCAR Stamp

JOINT COMMITTEE ON

MAR 21 2019

ADMINISTRATIVE RULES

STATE CAPITOL
201 W. CAPITOL AVENUE, ROOM 216
JEFFERSON CITY, MISSOURI 65101



(573) 751-3222
WWW.GOVERNOR.MO.GOV

Michael L. Parson

GOVERNOR
STATE OF MISSOURI

March 13, 2019

Mr. Ryan Silvey
Public Service Commission
200 Madison Street
PO Box 360
Jefferson City, MO 65102

RE: *Final Order of Rulemaking*

Dear Ryan:

This office has received your Final Order of Rulemaking for 4 CSR 240-40.085 Filing Requirements for Gas Utility Rate Schedules.

Executive Order 17-03 requires this office's approval before state agencies release proposed regulations for notice and comment, amend existing regulations, rescind regulations, or adopt new regulations. After our review of this rulemaking, we approve the rule's submission to the Joint Committee on Administrative Rules and the Secretary of State.

Sincerely,

A handwritten signature in black ink, appearing to read "Jessie Eiler".

Jessie Eiler
Deputy Counsel



Commissioners
RYAN A. SILVEY
Chairman

WILLIAM P. KENNEY

DANIEL Y. HALL

SCOTT T. RUPP

MAIDA J. COLEMAN

Missouri Public Service Commission

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

SHELLEY BRUEGGEMANN
General Counsel

MORRIS WOODRUFF
Secretary

LOYD WILSON
Director of Administration

NATELLE DIETRICH
Staff Director

John Ashcroft
Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, Missouri 65101

Re: 4 CSR 240-40.085 Filing Requirements for Gas Utility Rate Schedules

Dear Secretary Ashcroft,

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: sections 386.250, RSMo 2016.

If there are any questions regarding the content of this order of rulemaking, please contact:

Ron Pridgin, Deputy Chief Regulatory Law Judge
Missouri Public Service Commission
200 Madison Street
P.O. Box 360
Jefferson City, MO 65102
(573) 751-7497
Ron.Pridgin@psc.mo.gov

Morris L. Woodruff
Chief Regulatory Law Judge

Enclosures

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

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 386.250, RSMo 2016, the commission adopts a rule as follows:

4 CSR 240-40.085 Filing Requirements for Gas Utility Rate Schedules is adopted.

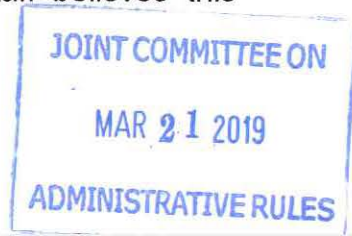
A notice of proposed rulemaking containing the proposed rule was published in the *Missouri Register* on January 2, 2019 (44 MoReg 72-73). Changes to the proposed rule are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the Code of State Regulations.

SUMMARY OF COMMENTS: The public comment period ended February 1, 2019, and the commission held a public hearing on the proposed rule on February 6, 2019. The commission received timely written comments from the staff of the commission, the Office of the Public Counsel, and Union Electric Company d/b/a Ameren Missouri. Jamie Myers offered comments on behalf of the commission's staff; Ryan Smith, representing the Office of the Public Counsel, and Paula Johnson, representing Union Electric Company d/b/a Ameren Missouri appeared at the hearing and offered comments.

COMMENT #1: For section (2), Ameren Missouri states that title pages are not particularly relevant when reviewing rate schedules in electronic form. Likewise, Ameren Missouri believes loose-leaf and Form No. 14 references are antiquated and should be deleted. The staff of the commission believes a title page is still necessary, but agrees with Ameren Missouri that references to loose leaf and Form No. 14 are no longer needed. OPC does not oppose Ameren Missouri's request that tariffs can be available in electronic instead of paper form.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees that electronic versions of tariffs are permissible instead of paper copies. However, the commission will continue to require title pages to tariffs. Thus, the commission amends section (2) to remove the references to loose leaf and Form No. 14.

COMMENT #2: For section (3), the staff of the commission would delete the phrase "in duplicate if receipt is desired" from the rule. Staff believes this



language is extraneous, and Staff wishes to attempt to make the rule more consistent with proposed rule 4 CSR 240-20.105(29). No party objects to Staff's requested deletion.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees, and will delete the language that its staff requested to be deleted. The Commission will amend section (3) to conform to the language in a similar commission rule that regulates electric utilities, which is 4 CSR 240-20.105(29).

COMMENT #3: For section (4), Union Electric Company d/b/a Ameren Missouri states that its headquarters are only accessible by approved badge access or by monitored escort. It is impractical to have security personnel, who are not tasked with or trained in customer relations, to provide access to hard copies of these schedules at their stations. Further, it is not practical to have an Ameren Missouri customer experience employee stationed at the entrance with security to field such inquiries. Ameren Missouri suggests that customers may call the Company's customer experience representatives to request a copy of any proposed changes be provided via email or with a hard copy printout, as they prefer. As such, Ameren Missouri requests the commission delete the portion of this section that would require hard copies of tariffs to be constantly available. Instead, Ameren Missouri would agree to make tariffs available upon customers' requests. Neither the staff of the commission nor OPC objects to this change.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees, and will delete the language that Union Electric Company d/b/a Ameren Missouri requested to be deleted. The Commission notes that no party has commented on the provision of 4 CSR 240-40.085(1), which the commission will not amend, that requires gas utilities to keep open for public inspection schedules showing all its rates and charges.

COMMENT #4: For section (6), Union Electric Company d/b/a Ameren Missouri states that this regulation anticipates the filing of schedules and supplements via mail rather than through the Commission Electronic Filing Information System ("EFIS"). Ameren Missouri believes that all electrical corporations subject to the filing requirements of 4 CSR 240-20.105 currently use EFIS rather than paper filing. However, if this assumption is inaccurate, the Company has no objection to retaining language that anticipates hard copy filing; Ameren Missouri simply wants to be clear that electronic-only filing is also acceptable. The staff of the commission prefers that the rule contemplate electronic, mailed, and in-person filing. Staff would delete a sentence that states no consideration will be given to telegraphic notices.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with its staff, and will delete the language its staff requested to be deleted.

4 CSR 240-40.085 Filing Requirements for Gas Utility Rate Schedules

(2) Rate schedules shall be published on the gas corporation's website. All sheets, except the title page sheet, must show in the marginal space at the top of the page the name of the gas corporation issuing, the PSC number of schedule and the number of the page. In the marginal space at the bottom of sheet should be shown-the date of issue, the effective date and the name, title and address of the officer by whom the schedule is issued. All schedules shall bear a number with the prefix PSC Mo. _____. Schedules shall be numbered in consecutive serial order beginning with number 1 for each gas corporation. If a schedule or part of a schedule is cancelled, a new schedule or part thereof (sheet(s) if loose-leaf) will refer to the schedule canceled by its PSC number; thus: PSC Mo. No. ____ canceling PSC Mo. No. ____.

(3) All schedules filed with the commission shall be accompanied by a letter of transmittal which shall be prepared consistent with the format designated by the commission. If filing a paper copy and a paper receipt is desired, a duplicate copy should be submitted for return.

(4) All proposed changes in rates, charges or rentals or in rules that affects rates, charges or rentals filed with the commission shall be accompanied by a brief summary, approximately one hundred (100) words or less of the effect of the change on the company's customers. A copy of any proposed change and summary shall also be served on the public counsel and be available for public inspection and reproduction during regular office hours at the general business office of the utility.

(6) Except as is otherwise provided, no schedule or supplement will be accepted for filing unless it is delivered to the commission via the **Electronic Filing and Information System (EFIS)**, or if filing a paper copy, by transmitting or hand-delivering one (1) copy of each rate schedule, supplement, or other charges or regulations to the commission. Schedules sent for filing must be addressed to **Public Service Commission, PO Box 360, Jefferson City, MO 65102** and be free from all charges or claims for postage, the full thirty (30) days required by law before the date upon which the schedule or supplement is stated to be effective. No consideration will be given to or for the time during which a schedule or supplement may be held by the post office authorities because of insufficient postage. When a schedule or a supplement is issued and as to which the commission is not given the statutory notice, it is as if it had not been issued and a full statutory notice must be given of any reissuance. In those cases the schedule will be returned to the sender and correction of the neglect or omission cannot be made which takes into account any time elapsing between the date upon which the schedule or supplement was received and the date of the attempted correction. For rate schedules and supplements issued on short notice under special permission of the commission, literal compliance with the requirements for notice named in any order, rule or permission granted by the commission will be exacted.