BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

In the Matter of a Proposed Rule Regarding an Environment Improvement Contingency Fund	)))	**File No. AX-2018-0241**

STAFF'S MEMORANDUM

COMES NOW Staff of the Missouri Public Service Commission ("Staff"), by and through the undersigned counsel, and respectfully files the attached *Memorandum* pursuant to *General Procedure 1*, stating Staff's finding that the actual cost of implementing the rules within this docket to public and private entities has not exceeded the estimates by more than 10 percent or, where appropriate, has not exceeded five hundred dollars.

WHEREFORE, Staff files this *Memorandum* for the Commission's information and consideration.

Respectfully submitted,

/s/ Travis J. Pringle
Travis J. Pringle
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CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been mailed, hand delivered, transmitted by facsimile or electronically mailed to all parties and/or counsel of record this 13th day of August, 2020.

/s/ Travis J. Pringle

MEMORANDUM

TO: Case File for Case No. AX-2018-0241

FROM: James A. Busch, on Behalf of the Commission Staff

SUBJECT: Commission rules 20 CSR 4240-10.095 Environmental Improvement Contingency Fund – Compliance with the Requirements of GP-1 of the Commission's General Procedures

DATE: August 13, 2020

The Commission Staff has investigated the cost of implementing the rules adopted by the Commission through this case, and reports that it has not discovered any information that would show that the cost estimate for 20 CSR 4240-10.095 Environmental Improvement Contingency Fund[1] as published in the *Missouri Register* was inaccurate.

Additionally, the Staff reports that it has not received any information from any party potentially or actually affected by the implementation of the subject rules that would show that the cost estimate to implement the Rules published in the *Missouri Register* was inaccurate.

The Commission's General Procedure GP-1 ("GP-1") requires, among other things, that within 30 days before the end of the first full fiscal year after the implementation of a rule, amendment or rescission, that the Staff is to investigate whether the cost to all affected entities, including the Commission, has exceeded by ten percent or more the estimated cost in the fiscal note, or, where appropriate, has exceeded five hundred dollars.

GP-1 also requires the Staff to prepare a memorandum showing the results of its investigation within thirty (30) days after the end of the first full fiscal year of the implementation of the subject rule, amendment or rescission. If the Staff investigation shows that the costs have not exceeded ten percent for all entities or, where appropriate, the estimated five hundred dollars, Staff's Memorandum shall be entered into EFIS under the rulemaking's docket number.

The Staff's response regarding the accuracy of the published cost estimates is within the timeframe specified by Section 536.200.2, RSMo 2016. This statute requires publication in the *Missouri Register* of a report of any excess cost over estimated cost, or cost over five hundred dollars, where appropriate, within 90 days after the close of the "first full fiscal year" after the implementation of the subject rule, amendment or rescission. The rules that were the subject of this case became effective on January 30, 2019. The first full fiscal year after implementation of the rules thus ended on June 30, 2020. Accordingly, September 28, 2020, would represent the 90-day expiration period for the publication of a report regarding excess cost information in the *Missouri Register*. Since the Staff's investigation indicates that the published cost estimates

[1] Prior to August 28, 2019, all Commission rules were under the Department of Economic Development. The initial rule was 4 CSR 240-10.095.

related to the changes in the rule have not been exceeded, no *Missouri Register* publication is required under Section 536.200.2, RSMo 2016.

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AFFIDAVIT OF JAMES A. BUSCH

STATE OF MISSOURI COUNTY OF COLE	)))	ss.

COMES NOW James A. Busch, and on his oath declares that he is of sound mind and lawful age; that he contributed to the foregoing *Staff's Memorandum*; and that the same is true and correct according to his best knowledge and belief, under penalty of perjury.

Further the Affiant sayeth not.

/s/ James A. Busch
James A. Busch