

MEMORANDUM

FILED³

OCT 22 1999

TO: Dale Hardy Roberts, Secretary

DATE: October 20, 1999

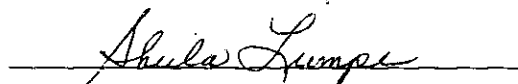
RE: Authorization to File Order of Rulemaking With the Office of Secretary of State

CASE NO: OX-2000-13

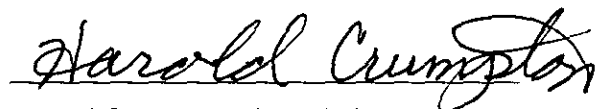
Missouri Public
Service Commission

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

4 CSR 240-2.030 - Practice and Procedure



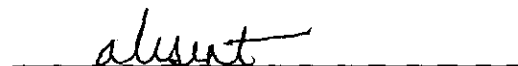
Sheila Lumpe, Chair



Harold Crumpton, Commissioner



Connie Murray, Commissioner



Robert Schemenauer, Commissioner



M. Dianne Drainer, Vice Chair

REBECCA MCDOWELL COOK
Secretary of State
Administrative Rules Division
RULE TRANSMITTAL

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SECRETARY OF STATE
ADMINISTRATIVE RULES DIVISION

A "SEPARATE" rule transmittal sheet must be used for EACH individual rulemaking.

A. Rule Number 4 CSR 240-2.030
 Diskette File Name 2.030 order of rulemaking (Word 97 format)
 Name of Person to call with questions about this rule:
 Context Morris Woodruff Phone (573) 751-2849 FAX (573) 751-1847
 Data Entry Lonnell Boyce Phone (573) 751-3350 FAX (573) 751-1847
 Interagency Mailing Address Truman Bldg., 301 W. High St., Room 530, Jefferson City, MO

Statutory Provision for Rulemaking
 Authority § 386.410 Provide Most Current RSMo Year 1998
 Date Filed With the Joint Committee on Administrative Rules Exempt per sections 536.024 and 536.037, Supp. 1998, and Executive Order No. 97-97 (June 27, 1997)

B. CHECK, IF INCLUDED: FORMS, List by Mo-Form Number, # of Pages
☒ Cover Letter _____
☐ Affidavit _____
☐ Cost Statements _____
☐ Public Entity Fiscal Note OTHER _____
☐ Private Entity Fiscal Note _____

C. RULEMAKING ACTION TO BE TAKEN
☐ Emergency Rulemaking, Must Specify Effective Date
☐ Proposed Rulemaking
☒ Order of Rulemaking (MUST complete page 2 of this transmittal)
☐ Withdrawal (Rule, Amendment, Rescission or Emergency)
☐ Rule Action Notice
☐ In Addition

D. SPECIFIC INSTRUCTIONS: In this space indicate any special instructions (e.g., specify publication date preference, identify material incorporated by references, etc:)

RULE TRANSMITTAL (PAGE 2)

- E. ORDER OF RULEMAKING: Rule Number N/A
- 1a. Effective Date for the Order
Statutory 30 days ☒ or later specific date _____
- 1b. Does the Order of Rulemaking contain changes to the rule text?
YES _____ NO ☒
- 1c. If the answer is YES, please complete section F. If the answer is NO, Stop here.
- F. Please provide a complete list of the changes in the rule text for the order or rulemaking, indicating the specific section, subsection, subparagraph, part, etc., where each change is found.

NOTE: ALL changes MUST be specified here in order for those changes to be made in the rule as published in the *Missouri Register* and the *Code of State Regulations*.

Add additional sheet(s), if more space is needed.



Commissioners

SHEILA LUMPE
Chair

HAROLD CRUMPTON

CONNIE MURRAY

ROBERT G. SCHEMENAUER

M. DIANNE DRAINER
Vice Chair

Missouri Public Service Commission

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

October 21, 1999

GORDON L. PERSINGER
Acting Executive Director
Director, Research and Public Affairs

WESS A. HENDERSON
Director, Utility Operations

ROBERT SCHALLENBERG
Director, Utility Services

DONNA M. KOLILIS
Director, Administration

DALE HARDY ROBERTS
Secretary/Chief Regulatory Law Judge

DANA K. JOYCE
General Counsel

Honorable Rebecca McDowell Cook
Secretary of State
600 West Main Street
Jefferson City, Missouri 65101

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**SECRETARY OF STATE
ADMINISTRATIVE RULES DIVISION**

ATTENTION: Administrative Rules Division

I do hereby certify that the attached are accurate and complete copies of the Order of Rulemakings lawfully submitted by the Missouri Public Service Commission for filing this 21st day of October, 1999.

Rules: 4 CSR 240-2.020 Meetings and Hearings
4 CSR 240-2.030 Records of the Commission

Statutory authority: Section 386.410, RSMo Supp. 1998

Missouri Public Service Commission Case Nos.: OX-2000-12 (4 CSR 240-2.020)
~~OX-2000-13 (4 CSR 240-2.030)~~

If there are any questions, please contact: Morris Woodruff, Regulatory Law Judge
Missouri Public Service Commission
301 West High Street, Room 530
Post Office Box 360
Jefferson City, Missouri 65102
(573) 751-2849

BY THE COMMISSION

Dale Hardy Roberts
Secretary/Chief Regulatory Law Judge

DHR:MW:lb

Enclosures: Order of Rulemaking, transmittal form, and Order of Rulemaking on diskette in Word 97 format.

**Title 4 - DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 240 - Public Service Commission
Chapter 2 - Practice and Procedure**

ORDER OF RULEMAKING

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**SECRETARY OF STATE
ADMINISTRATIVE RULES DIVISION**

By the authority vested in the Missouri Public Service Commission under section 386.410, RSMo Supp. 1998, the commission amends a rule as follows:

4 CSR 240-2.030 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on September 1, 1999 (24 MoReg 2142). No changes have been made in the text of the proposed amendment so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

No public hearing was held. Written comments were submitted.

COMMENT: A comment was received from the Missouri Press Association regarding the portion of subsection (1) that allows the commission to establish the specific hours that case records will be available for public inspection at the office of the secretary of the commission. The comment pointed out that Section 386.120(5), RSMo 1994 requires that the offices of the commission be open during business hours. The comment suggests that this requirement also mandates that the commission's file room be open during all business hours. The Missouri Press Association suggests that when the commission's offices are open, the public has a right to expect access to the commission's records.

RESPONSE: The commission will not make any changes to the proposed amendment. The statute cited by the Press Association requires that the offices of the commission be open during business hours every day except weekends and holidays. The statute does not require that the commission's files remain available at all times that the office is open. Instead, the commission believes that it has the authority to place reasonable restrictions on the use of the file room in order to promote the efficient use of commission resources.

No other comments were received.